

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 91-54 (AS AMENDED)

Introduced by Council President Wilson
at the request of the County Executive
Legislative Day No. 91-28 Date October 1, 1991

AN ACT to repeal Article IV, heading, Classified Service, of the Harford County Code, and to add new Article IV, heading, Classified Service, to Chapter 16, heading, Personnel, of the Harford County Code, as amended, to stand in lieu of the repealed Article IV, to provide rules and regulations governing classified employees employed by the government of Harford County, Maryland; and generally relating to the system of personnel administration for Harford County employees in the classified service.

By the Council, October 1, 1991
Introduced, read first time, ordered posted and public hearing scheduled
on: November 5, 1991
at: 6:00 P.M.
By Order: Doris Paulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on November 5, 1991, and concluded on, November 5, 1991

Doris Paulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 Section 1. Be It Enacted By The County Council of Harford
2 County, Maryland, that Article IV, heading, Classified Service, of
3 the Harford County Code, be, and it is hereby repealed and that new
4 Article IV, heading, Classified Service, be, and it is hereby added
5 to Chapter 16, heading, Personnel, of the Harford County Code, as
6 amended, to stand in lieu of the repealed Article IV, all to read
7 as follows.

8 ARTICLE IV. CLASSIFIED SERVICE.

9 § 38-30. DEFINITIONS.

10 AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE
11 MEANINGS INDICATED:

12 APPEAL - PROCEDURE BY WHICH A DECISION IS REVIEWED BY ~~A HIGHER~~
13 ~~AUTHORITY~~.

14 APPOINTING AUTHORITY - A PERSON WHO HAS THE POWER TO MAKE
15 APPOINTMENTS AND TO TERMINATE EMPLOYMENT; OR, AS SPECIFIED, THE
16 DEPARTMENT HEAD.

17 APPOINTMENT - FILLING A VACANT OR NEWLY CREATED POSITION WITH
18 AN ELIGIBLE CANDIDATE.

19 CERTIFICATION OF ELIGIBLES - THE REFERRING OF A LIST OF
20 ELIGIBLES TO A DEPARTMENT HEAD TO FILL A VACANT OR NEWLY CREATED
21 POSITION IN THE CLASSIFIED SERVICE.

22 CHANGE OF ASSIGNMENT - AN ACTION REASSIGNING AN EMPLOYEE FROM
23 A WORK SITE OR POSITION IN A GIVEN CLASS TO ANOTHER POSITION OR
24 WORK SITE IN THE SAME CLASS WITHIN THE SAME COUNTY DEPARTMENT.

25 CLASS OR CLASSIFICATION - A GROUPING OF ONE OR MORE POSITIONS
26 SUFFICIENTLY SIMILAR WITH RESPECT TO DUTIES AND RESPONSIBILITIES
27 THAT THE SAME DESCRIPTIVE TITLE MAY BE USED TO DESIGNATE EACH

1 POSITION IN THAT GROUPING, THAT THE SAME GENERAL QUALIFICATIONS ARE
2 NEEDED FOR PERFORMANCE OF THE DUTIES, AND THAT THE SAME SCHEDULE OF
3 PAY SHALL BE APPLIED TO ALL POSITIONS IN THAT GROUPING.

4 CLASSIFIED SERVICE - THE SECTOR OF THE COUNTY WORKFORCE
5 CONTAINING POSITIONS FOR WHICH PERSONS ARE SELECTED ON A
6 COMPETITIVE BASIS AND FROM WHICH AN EMPLOYEE WHO HAS COMPLETED
7 PROBATION MAY BE DISMISSED ONLY FOR CAUSE.

8 DAYS - SHALL MEAN WORKING DAYS, RATHER THAN CALENDAR DAYS,
9 UNLESS OTHERWISE STATED.

10 DEMOTION - THE MOVEMENT OF AN EMPLOYEE FROM HIS PRESENT
11 POSITION TO A LOWER POSITION OR CLASSIFICATION WITH OR WITHOUT A
12 DECREASE IN COMPENSATION.

13 ELIGIBILITY LIST - A LIST OF PERSONS WHO ARE ELIGIBLE FOR
14 EMPLOYMENT, PROMOTION OR TRAINING FOR SPECIFIC POSITIONS WITHIN THE
15 CLASSIFIED SERVICE.

16 ENTRANCE EXAMINATION - A TEST OR SERIES OF TESTS APPROVED BY
17 THE DIRECTOR OF HUMAN RESOURCES TO DETERMINE THE RELATIVE FITNESS
18 OF APPLICANTS FOR INITIAL APPOINTMENT TO POSITIONS IN CLASSIFIED
19 SERVICE.

20 GRIEVANCE - ANY CAUSE OR DISPUTE ARISING BETWEEN AN EMPLOYEE
21 AND THE COUNTY OVER THE INTERPRETATION OR APPLICATION OF THE
22 PERSONNEL CODE, REGULATIONS OR POLICIES.

23 GRIEVANCE PROCEDURE - THE PROCEDURE BY WHICH A GRIEVANCE IS
24 PROCESSED OR AN APPEAL OF A DISCIPLINARY ACTION IS TAKEN.

25 INITIAL APPOINTMENT - THE FIRST APPOINTMENT OF AN EMPLOYEE TO
26 BUDGETED POSITION IN THE CLASSIFIED SERVICE.

27 PAY PLAN - PAY AND CLASSIFICATION PLAN, ADOPTED BY THE COUNTY

1 COUNCIL.

2 PART-TIME EMPLOYEE - AN EMPLOYEE HIRED ON A REGULAR BASIS BUT
3 WHOSE HOURS OF WORK ARE LESS THAN THAT OF A FULL-TIME EMPLOYEE.

4 PERMANENT POSITION - A POSITION IN THE CLASSIFIED SERVICE.

5 PERMANENT STATUS EMPLOYEE - AN EMPLOYEE IN THE CLASSIFIED
6 SERVICE WHO HAS SUCCESSFULLY COMPLETED A PROBATIONARY PERIOD.

7 POSITION - A GROUP OF DUTIES AND RESPONSIBILITIES.

8 POSITION CLASSIFICATION - THE GRADE AND PAY SCHEDULE
9 APPLICABLE TO ANY POSITION IN CONNECTION WITH TITLE.

10 POSITION DESCRIPTION - A WRITTEN EXPLANATION OF ONE POSITION
11 OR OF SEVERAL VERY SIMILAR POSITIONS WHICH ~~INCLUDE~~ INCLUDES TITLE,
12 GENERAL DESCRIPTION OF RESPONSIBILITIES, TYPICAL DUTIES, AND
13 MINIMUM QUALIFICATIONS.

14 PROBATIONARY PERIOD OR PROBATION PERIOD - A WORKING PERIOD,
15 DEFINED AS DAYS ACTUALLY WORKED, DURING WHICH PERIOD THE EMPLOYEE
16 DOES NOT HAVE PERMANENT STATUS.

17 PROMOTION - A CHANGE FROM ONE POSITION TO ANOTHER POSITION;
18 WITH A HIGHER MAXIMUM RATE OF COMPENSATION.

19 PROMOTIONAL EXAMINATION - A TEST OR SERIES OF TESTS APPROVED
20 BY THE DIRECTOR OF HUMAN RESOURCES TO DETERMINE THE RELATIVE
21 FITNESS OF APPLICANTS FOR POSITIONS IN A SPECIFIC CLASS.

22 RECLASSIFY - TO REASSIGN A POSITION FROM ONE CLASSIFICATION TO
23 ANOTHER OR TO REDEFINE THE POSITION SO AS TO MORE APPROPRIATELY
24 REFLECT THE DUTIES OF THE POSITION, AND WHICH MAY BE AT A HIGHER OR
25 LOWER LEVEL OR THE SAME SALARY LEVEL AS THE FORMER POSITION.

26 REINSTATEMENT - EMPLOYMENT OF A PERSON WHO:

1 (a) AFTER SEPARATION FROM THE ~~CLASSIFIED~~ SERVICE HAS
2 BEEN APPOINTED TO A POSITION ~~IN A CLASSIFICATION~~ IN THE CLASSIFIED
3 SERVICE IN WHICH THE PERSON WAS A PERMANENT STATUS EMPLOYEE; OR

4 (b) REINSTATEMENT DOES NOT INCLUDE AN EMPLOYEE WHO HAS
5 BEEN RE-APPOINTED TO A POSITION IN THE CLASSIFIED SERVICE WHICH THE
6 EMPLOYEE OCCUPIED, PRIOR TO THE DEMOTION, DISCHARGE OR TRANSFER
7 WHICH WAS THE SUBJECT OF AN APPEAL.

8 TEMPORARY APPOINTMENT - THE APPOINTMENT OF A PERSON FOR A
9 MAXIMUM OF NINETY (90) WORK DAYS FOR THE PURPOSE OF PREVENTING THE
10 STOPPAGE OF PUBLIC BUSINESS.

11 TRANSFER - THE VOLUNTARY OR INVOLUNTARY MOVEMENT OF AN
12 EMPLOYEE FROM HIS PRESENT POSITION TO A COMPARABLE POSITION IN THE
13 CLASSIFIED SERVICE, WITH OR WITHOUT A CHANGE IN COMPENSATION.

14 TRIAL PERIOD - A WORKING PERIOD FOLLOWING PROMOTION, DURING
15 WHICH THE EMPLOYEE HAS PERMANENT STATUS, ACCRUES AND MAY USE
16 ACCRUED LEAVE.

17 § 38-31. ADMINISTRATION ~~OF POSITION CLASSIFICATION PLAN~~.

18 A. THE DIRECTOR OF HUMAN RESOURCES SHALL BE RESPONSIBLE FOR
19 THE INTERPRETATION AND ADMINISTRATION OF THE APPROVED POSITION
20 CLASSIFICATION PLAN AND THE APPLICATION OF THIS ARTICLE.

21 (1) INTERPRETATION. THE DIRECTOR OF HUMAN RESOURCES
22 SHALL BE RESPONSIBLE FOR INTERPRETING THE APPLICATION OF THE PLAN.

23 (2) MAINTENANCE. THE DIRECTOR OF HUMAN RESOURCES SHALL
24 BE RESPONSIBLE FOR CONDUCTING PERIODIC REVIEWS OF THE PLAN AND
25 MAKING RECOMMENDATIONS TO THE PERSONNEL ADVISORY BOARD.

26 B. IF AN ~~APPROVED~~ A CLASSIFICATION DOES NOT EXIST, THE

1 DIRECTOR OF HUMAN RESOURCES SHALL RECOMMEND TO THE PERSONNEL
2 ADVISORY BOARD THE ESTABLISHMENT OF A NEW CLASSIFICATION FOR ITS
3 APPROVAL, ADOPTION, AND INCLUSION IN THE POSITION CLASSIFICATION
4 PLAN.

5 C. THE ABOLITION OR CREATION OF ANY POSITION IN THE POSITION
6 CLASSIFICATION PLAN MUST BE APPROVED BY THE PERSONNEL ADVISORY
7 BOARD.

8 D. ANY CHANGES OR ADDITIONS TO THE POSITION CLASSIFICATION
9 PLAN SHALL BECOME EFFECTIVE ONLY AFTER APPROVED BY THE COUNTY
10 COUNCIL.

11 E. TEMPORARY POSITIONS AND CLASSIFICATIONS MAY BE
12 ESTABLISHED AS REQUIRED TO COMPLY WITH STATE AND FEDERAL GRANTS AND
13 DO NOT HAVE TO BE IN THE APPROVED CLASSIFICATION PLAN FOR PERMANENT
14 EMPLOYEES. ~~NO PERSON EMPLOYED UNDER A TEMPORARY CLASSIFICATION~~
15 ~~SHALL BE ASSIGNED AS, OR PAID AS, A PERMANENT EMPLOYEE UNTIL THE~~
16 ~~POSITION HAS BEEN DULY ADOPTED IN THE CLASSIFICATION PLAN FOR~~
17 ~~PERMANENT EMPLOYEES AND THE POSITION HAS BEEN SUBJECTED TO THE~~
18 ~~NORMAL HIRING PROCEDURES FOR NEW POSITIONS. EMPLOYEES OCCUPYING~~
19 ~~TEMPORARY POSITIONS SHALL NOT BE ENTITLED TO LEAVE, AS DEFINED IN~~
20 ~~SECTION 38-38, NOR SHALL SUCH EMPLOYEES HAVE APPEAL RIGHTS, AS~~
21 ~~DEFINED IN SECTION 38-43~~ EMPLOYEES OCCUPYING THESE POSITIONS SHALL
22 BE GOVERNED BY THE TERMS OF THEIR CONTRACTS AND GRANTS.

23 F. THE ORIGINAL OFFICIAL COPY OF ALL POSITIONS IN THE
24 POSITION CLASSIFICATION PLAN SHALL BE MAINTAINED IN THE OFFICE OF
25 THE DIRECTOR OF HUMAN RESOURCES.

26 G. AT LEAST ONCE EVERY 3 MONTHS THE DIRECTOR OF THE

1 DEPARTMENT OF HUMAN RESOURCES SHALL FILE WITH THE COUNTY COUNCIL A
2 WRITTEN REPORT SUMMARIZING:

3 (1) THE CURRENT NUMBER OF COUNTY EMPLOYEES;

4 (2) THE NUMBER OF EMPLOYEES HIRED SINCE THE PREVIOUS
5 REPORT;

6 (3) THE NUMBER OF CONTRACTUAL AND TEMPORARY EMPLOYEES
7 HIRED SINCE THE PREVIOUS REPORT;

8 (4) THE NUMBER OF RETIREMENTS AND TERMINATIONS SINCE THE
9 PREVIOUS REPORT;

10 (5) THE AMOUNT OF LEAVE, BY CATEGORY, USED SINCE THE
11 PREVIOUS REPORT; AND

12 (6) ANY OTHER INFORMATION THE DIRECTOR CONSIDERS
13 RELEVANT.

14 § 38-32. RATES OF COMPENSATION.

15 A. SALARIES AND WAGES. THE COUNTY SHALL COMPENSATE
16 EMPLOYEES ACCORDING TO THE PAY PLAN, UNLESS OTHERWISE SPECIFIED BY
17 LAW. EMPLOYEES SHALL BE PAID BI-WEEKLY.

18 (1) A NEW EMPLOYEE SHALL BE PAID AT THE MINIMUM RATE OF
19 PAY FOR HIS GRADE;

20 (2) REINSTATED EMPLOYEES MAY BE PAID AT A RATE
21 COMMENSURATE WITH HIS EXPERIENCE AND YEARS OF SERVICE PRIOR TO
22 SEPARATION;

23 (3) THE DIRECTOR OF HUMAN RESOURCES MAY GRANT WAIVERS
24 FROM A(1) AND A(2).

25 B. IN-GRADE PAY INCREASES MAY BE AWARDED FOR ALL PERMANENT
26 CLASSIFIED EMPLOYEES; AN EMPLOYEE IS ELIGIBLE FOR SUCH INCREASES

1 ONLY WHEN A SATISFACTORY OR BETTER OVERALL PERFORMANCE RATING HAS
2 BEEN RECORDED BY THE EMPLOYEE'S DEPARTMENT HEAD TO THE DIRECTOR OF
3 HUMAN RESOURCES. IF ELIGIBLE, AN EMPLOYEE MAY RECEIVE AN IN-GRADE
4 INCREASE AS OF JULY 1 FOLLOWING THE ANNIVERSARY DATE.

5 C. OTHER RATES OF COMPENSATION:

6 (1) SHIFT DIFFERENTIAL. THE COUNTY SHALL PAY SHIFT
7 DIFFERENTIAL TO DESIGNATED EMPLOYEES WHO WORK A QUALIFYING SHIFT IN
8 ACCORDANCE WITH AND AT THE RATE ESTABLISHED BY THE DIRECTOR OF
9 HUMAN RESOURCES. THE COUNTY SHALL NOT PAY SHIFT DIFFERENTIAL TO
10 EMPLOYEES WHO ARE ON PAID LEAVE.

11 (2) WORKING OUT OF CLASSIFICATION/ACTING CAPACITY PAY.

12 (a) AN EMPLOYEE WHO MEETS THE EXISTING
13 QUALIFICATION STANDARDS REQUIRED TO PERFORM THE ASSIGNED DUTIES MAY
14 TEMPORARILY PERFORM DUTIES IN A CLASSIFICATION FOR WHICH THE RATE
15 OF PAY IS HIGHER THAN THAT OF THE EMPLOYEE'S CLASSIFICATION FOR ANY
16 OF THE FOLLOWING REASONS:

17 (i) THE TEMPORARY ABSENCE OF AN INCUMBENT,
18 INCLUDING BUT NOT LIMITED TO THE INCUMBENT'S USE OF APPROVED
19 ANNUAL, SICK, DISABILITY OR OTHER LEAVE;

20 (ii) A VACANCY FOR WHICH NORMAL RECRUITMENT
21 PROCEDURES HAVE BEEN UNSUCCESSFUL; OR

22 (iii) AN INCREASED WORKLOAD WHICH NECESSITATES
23 ASSIGNMENT OF DUTIES AT A LEVEL HIGHER THAN THAT OF THE EMPLOYEE'S
24 CLASSIFICATION.

25 (b) AN EMPLOYEE WORKING OUT OF CLASSIFICATION SHALL
26 BE PAID IN ACCORDANCE WITH THE RATES ESTABLISHED BY THE DIRECTOR OF

1 HUMAN RESOURCES.

2 (i) THE EMPLOYEE MAY BE REQUIRED TO WORK OUT
3 OF CLASSIFICATION FOR A MAXIMUM PERIOD OF FORTY-FIVE (45) WORKING
4 DAYS; SAID PERIOD MAY BE EXTENDED UPON WRITTEN REQUEST OF A
5 DEPARTMENT HEAD AND WITH THE APPROVAL OF THE DIRECTOR OF HUMAN
6 RESOURCES.

7 (3) OVERTIME PAY; EXCEPTIONS.

8 (a) LIST OF POSITIONS TO RECEIVE OVERTIME PAYMENTS.
9 THE DIRECTOR OF HUMAN RESOURCES SHALL DETERMINE THE CLASSIFICATIONS
10 FOR WHICH OVERTIME PAYMENTS ARE MANDATORY IN ACCORDANCE WITH THE
11 FAIR LABOR STANDARDS ACT, 29 U.S.C., SECTION 201, ET SEQ., AND AS
12 AMENDED.

13 (b) COMPUTATION OF OVERTIME PAYMENTS.

14 (i) THE DIRECTOR OF HUMAN RESOURCES SHALL
15 ASSURE THAT OVERTIME PAYMENTS ARE MADE AT STRAIGHT TIME FOR TIME
16 WORKED UP TO AND INCLUDING FORTY (40) HOURS PER WEEK. TIME WORKED
17 IN EXCESS OF FORTY (40) HOURS PER WEEK SHALL BE AT A RATE OF ONE
18 AND ONE-HALF TIMES THE EMPLOYEE'S NORMAL HOURLY WAGE.

19 (ii) THE OVERTIME RATE SHALL ALSO BE PAID FOR
20 WORK ON A HOLIDAY, WORK ON SCHEDULED REGULAR DAYS OFF, AND WORK
21 PERFORMED ON A SCHEDULED LEAVE DAY PROVIDED THAT SAID LEAVE WAS
22 SCHEDULED AND APPROVED AT LEAST TEN (10) WORKING DAYS IN ADVANCE.

23 (iii) UPON WRITTEN REQUEST OF THE DEPARTMENT
24 HEAD, AND WITH THE APPROVAL OF THE DIRECTOR OF HUMAN RESOURCES, MAY
25 ADOPT ALTERNATE WORK SCHEDULES AS PERMITTED BY THE FAIR LABOR
26 STANDARDS ACT, 29 U.S.C. §201, ET SEQ., AND AS AMENDED, FOR THE

1 PURPOSE OF DETERMINING OVERTIME COMPENSATION.

2 (iv) OVERTIME DISTRIBUTION. DISTRIBUTION OF
3 OVERTIME SHALL BE IN ACCORDANCE WITH THE POLICIES SET BY THE
4 DIRECTOR OF HUMAN RESOURCES.

5 (4) CALL-IN PAY.

6 (a) AN HOURLY EMPLOYEE CALLED ON DUTY TO DO
7 EMERGENCY WORK WILL BE PAID AT THE REGULAR RATE FOR THE ACTUAL TIME
8 WORKED, BUT IN NO EVENT SHALL LESS THAN FOUR (4) HOURS STRAIGHT
9 TIME BE PAID FOR THE FIRST CALL-IN.

10 (b) IF THE HOURS WORKED DURING SUCH CALL-IN, IN
11 ADDITION TO THE HOURS WORKED BY HIM DURING THE BALANCE OF HIS WORK
12 DAY, EXCEED EIGHT (8) HOURS IN AGGREGATE TOTAL FOR THE WORK DAY,
13 THE EMPLOYEE SHALL BE PAID WHICHEVER IS GREATER.

14 (c) CALL-IN TIME PROVISIONS WILL NOT APPLY IF AN
15 EMPLOYEE IS NOTIFIED AT LEAST TWELVE (12) HOURS BEFORE HIS NEW
16 ESTABLISHED STARTING TIME. AN EMPLOYEE SHALL RECEIVE THE BENEFITS
17 OF THE CALL-IN PAY FOR THE FIRST CALL-IN WITHIN A CONSECUTIVE 24-
18 HOUR PERIOD ONLY. FOR SUBSEQUENT CALL-INS, TIME ACTUALLY WORKED
19 WILL BE PAID AT THE RATE ESTABLISHED FOR OVERTIME (TIME AND A HALF)
20 IN ANY 24-HOUR PERIOD.

21 (d) A REGULAR SCHEDULED HOLIDAY WILL BE CONSIDERED
22 AS A WORK DAY.

23 (e) ANY NATURAL PHENOMENON (SNOW, SLEET OR ICING,
24 ETC.) WHICH NECESSITATES "CALLING" FORCES IN PRIOR TO THE REGULAR
25 STARTING TIME SHALL NOT BE TREATED UNDER THIS SECTION BUT AS
26 REGULAR OVERTIME UNDER SECTION 38-32C(3)(b)(i).

1 § 38-33. VACANCIES; APPLICATIONS AND EXAMINATIONS.

2 A. FILLING OF VACANCIES.

3 (1) VACANCIES IN CLASSIFIED SERVICE WILL FIRST BE FILLED
4 BY PROMOTION OR TRANSFER OF ELIGIBLE EMPLOYEES WITHIN THE
5 CLASSIFICATION SYSTEM. PROMOTIONS (SEE SECTION 38-35) SHALL BE ON
6 A COMPETITIVE BASIS.

7 (2) ANNOUNCEMENTS FOR VACANT POSITIONS. ANNOUNCEMENTS
8 FOR VACANT POSITIONS IN THE CLASSIFIED SERVICE SYSTEM SHALL BE
9 PUBLISHED AND POSTED ON BULLETIN BOARDS IN ALL DEPARTMENTS AND IN
10 SUCH OTHER PLACES AS THE DIRECTOR OF HUMAN RESOURCES DEEMS
11 ADVISABLE. ANNOUNCEMENTS SHALL SPECIFY THE TITLE, GRADE AND SALARY
12 RANGE, MINIMUM REQUIREMENTS FOR THE POSITION, TIME, PLACE AND
13 MANNER OF MAKING APPLICATION AND OTHER PERTINENT INFORMATION.
14 WHERE AN EXISTING LIST OF QUALIFIED ELIGIBLE APPLICANTS EXISTS, NO
15 POSTING IS REQUIRED.

16 (a) FILING APPLICATIONS. A PERSON SEEKING
17 APPOINTMENT TO A POSITION IN THE CLASSIFIED SERVICE SHALL FILE WITH
18 THE DIRECTOR OF HUMAN RESOURCES AN APPLICATION ON THE DIRECTOR OF
19 HUMAN RESOURCES'S PRESCRIBED FORM. THE APPLICATION MAY BE MODIFIED
20 FOR CURRENT ~~EMPLOYEE'S~~ EMPLOYEES APPLYING FOR A VACANT POSITION.

21 (b) REJECTION OF APPLICATIONS.

22 (i) THE DIRECTOR OF HUMAN RESOURCES SHALL
23 NOTIFY, IN WRITING, ANY APPLICANT WHOSE APPLICATION IS REJECTED
24 UNDER THIS SECTION, SPECIFYING THE CAUSE FOR THE REJECTION OF THE
25 APPLICATION, AND SHALL, UPON THE REQUEST OF THE APPLICANT, GIVE AN
26 OPPORTUNITY TO SHOW CAUSE WHY HIS APPLICATION SHOULD NOT BE

1 REJECTED.

2 (ii) THE DIRECTOR OF HUMAN RESOURCES MAY REJECT
3 AN APPLICATION FOR CAUSE BEFORE THE DATE OF ESTABLISHMENT OF THE
4 ELIGIBILITY LIST FOR THE CLASS FOR WHICH IT IS FILED. ANY OF THE
5 FOLLOWING SHALL BE DEEMED SUFFICIENT CAUSE FOR REJECTING AN
6 APPLICATION, THOUGH REJECTION MAY BE MADE FOR OTHER CAUSES
7 PERMITTED BY LAW:

8 (a) THAT THE APPLICANT IS FOUND TO LACK
9 ANY OF THE PRELIMINARY REQUIREMENTS AS PRESCRIBED IN THE POSITION
10 DESCRIPTION;

11 (b) THAT THE APPLICATION WAS NOT FILED
12 BEFORE THE ADVERTISED CLOSING DATE FOR RECEIVING APPLICATIONS;

13 (c) THAT THE APPLICANT IS PHYSICALLY,
14 MENTALLY, OR MORALLY UNFIT FOR THE PERFORMANCE OF THE ESSENTIAL
15 FUNCTIONS OF THE POSITION TO WHICH THE APPLICANT SEEKS APPOINTMENT;

16 (d) THAT THE APPLICANT IS CURRENTLY
17 ADDICTED TO THE HABITUAL OR EXCESSIVE USE OF DRUGS, NARCOTICS, OR
18 CURRENTLY ADDICTED TO INTOXICATING BEVERAGES;

19 (e) THAT THE APPLICANT HAS BEEN DISMISSED
20 FROM PUBLIC OR PRIVATE SERVICE FOR DELINQUENCY OR MISCONDUCT;

21 (f) THAT THE APPLICANT HAS KNOWINGLY MADE
22 A FALSE STATEMENT IN HIS APPLICATION, OR IN A PREVIOUS EXAMINATION,
23 OR HAS WITHHELD ANY MATERIAL FACT;

24 (g) THAT THE APPLICANT IS NOT WITHIN THE
25 PRESCRIBED AGE LIMIT;

26 (h) THAT THE APPLICANT WAS PREVIOUSLY IN

1 THE CLASSIFIED SERVICE AND WAS REMOVED FOR CAUSE OR DID NOT RESIGN
2 IN GOOD STANDING; OR

3 (i) THAT IN THE CASE OF A PROMOTIONAL
4 EXAMINATION, HIS EMPLOYEE EVALUATION OR HIS ATTENDANCE RECORD ARE
5 NOT SATISFACTORY.

6 ~~(j) THE DIRECTOR OF HUMAN RESOURCES SHALL~~
7 ~~NOTIFY IN WRITING ANY APPLICANT WHOSE APPLICATION IS REJECTED UNDER~~
8 ~~THIS SECTION, SPECIFYING THE CAUSE FOR THE REJECTION OF THE~~
9 ~~APPLICATION, AND SHALL, UPON THE REQUEST OF THE APPLICANT, GIVE HIM~~
10 ~~AN OPPORTUNITY TO SHOW CAUSE WHY HIS APPLICATION SHOULD NOT BE~~
11 ~~REJECTED.~~

12 B. EXAMINATION. ALL APPLICANTS FOR POSITIONS MAY BE
13 REQUIRED TO TAKE AN APTITUDE, SKILLS AND/OR PERFORMANCE TEST TO
14 DETERMINE THEIR ELIGIBILITY FOR THE POSITION. THE SCOPE,
15 COMPOSITION, AND RANKING ON SAID TESTS TO BE DETERMINED BY THE
16 DIRECTOR OF HUMAN RESOURCES; WHEN REQUIRED, THESE EXAMINATIONS MAY
17 INCLUDE MEDICAL EXAMINATIONS, AND TESTS, WRITTEN OR ORAL, DESIGNED
18 TO SHOW THE ABILITY OF COMPETITORS TO PERFORM THE DUTIES OF THE
19 POSITIONS TO WHICH THEY SEEK APPOINTMENT AND SHALL INCLUDE ANY
20 TESTS OF MANUAL SKILL OR TECHNICAL KNOWLEDGE OR THE ACTUAL DOING OF
21 TYPICAL TASKS WHICH ARE REQUIRED OF EMPLOYEES IN THE CLASS. THE
22 DIRECTOR OF HUMAN RESOURCES MAY REQUIRE TESTS OF THE BODILY
23 CONDITION, MUSCULAR STRENGTH, AGILITY, AND PHYSICAL FITNESS OF
24 COMPETITORS. THESE TESTS MAY BE USED ONLY TO DETERMINE WHETHER
25 COMPETITORS CAN PERFORM THE ESSENTIAL FUNCTIONS AND DUTIES OF THE
26 POSITIONS TO WHICH THEY SEEK APPOINTMENT, CONSISTENT WITH THE

1 PROVISIONS OF ARTICLE 64A, §12, ANNOTATED CODE OF MARYLAND, AS
2 AMENDED.

3 (1) AN APPLICANT FOR A POSITION IN THE CLASSIFIED
4 SERVICE WHO IS REQUIRED TO TAKE AN APTITUDE OR PERFORMANCE TEST IN
5 ORDER TO DETERMINE THE APPLICANT'S POSITION ON AN ELIGIBILITY LIST
6 AND WHO HAS BEEN HONORABLY SEPARATED FROM A BRANCH OF THE ARMED
7 FORCES OF THE UNITED STATES SHALL BE PLACED ON THE ELIGIBILITY LIST
8 AHEAD OF A NON-VETERAN WITH AN IDENTICAL SCORE.

9 (a) AN EMPLOYEE WHO LEAVES THE CLASSIFIED SERVICE
10 TO ENTER A BRANCH OF THE ARMED FORCES SHALL BE REINSTATED TO THE
11 SAME POSITION OR GIVEN A POSITION INVOLVING SIMILAR DUTIES,
12 CLASSIFICATION AND PAY, PROVIDED THAT THE EMPLOYEE:

13 (i) RECEIVES AN HONORABLE SEPARATION FROM THE
14 ARMED FORCES;

15 (ii) APPLIES FOR REEMPLOYMENT WITHIN NINETY
16 (90) DAYS OF THE SEPARATION; AND

17 (iii) IS QUALIFIED TO PERFORM THE DUTIES OF THE
18 POSITION.

19 (2) THIS SECTION DOES NOT APPLY TO A PERSON WHO:

20 (a) IS RETIRED FROM A BRANCH OF THE ARMED FORCES OF
21 THE UNITED STATES; AND

22 (b) RECEIVES A PENSION AS A RESULT OF THE
23 RETIREMENT.

24 (3) NONDISCRIMINATION.

25 (a) CLASSIFIED SERVICE EMPLOYEES SHALL BE SELECTED
26 WITHOUT REGARD TO POLITICAL CONSIDERATIONS, EXCEPT THAT POLITICAL

1 BELIEF OR AFFILIATION SUBVERSIVE TO THE LAWS OF THE UNITED STATES
2 AND/OR THE STATE OF MARYLAND IS DISQUALIFYING.

3 (b) THERE SHALL BE NO DISCRIMINATION AGAINST ANY
4 PERSON SEEKING EMPLOYMENT OR EMPLOYED IN A CLASSIFIED POSITION
5 BECAUSE OF ANY CONSIDERATION OF POLITICAL, RELIGIOUS AFFILIATION OR
6 BELIEF, RACE, GENDER, NATIONAL ORIGIN, MARITAL STATUS OR QUALIFYING
7 DISABILITY.

8 (c) PRIOR CONVICTION OF A FELONY OR CRIME INVOLVING
9 MORAL TURPITUDE OR LOSS OF CITIZENSHIP SHALL DISQUALIFY AN
10 APPLICANT FROM EMPLOYMENT OR PROMOTIONAL OPPORTUNITIES; LESSER
11 CRIMES, MAY, IN THE DISCRETION OF THE DIRECTOR OF HUMAN RESOURCES,
12 BE CAUSE FOR DISQUALIFICATION FROM EMPLOYMENT OR PROMOTIONAL
13 OPPORTUNITIES.

14 (4) INTERPRETATIONS. THE DIRECTOR OF HUMAN RESOURCES IS
15 AUTHORIZED TO RENDER ANY INTERPRETATIONS CONCERNING THE
16 CERTIFICATION AND APPOINTMENT MATTERS, CONSISTENT WITH THIS CODE,
17 SUBJECT TO THE REVIEW OF THE PERSONNEL ADVISORY BOARD.

18 C. CERTIFICATION OF ELIGIBLES. THE DIRECTOR OF HUMAN
19 RESOURCES SHALL CERTIFY TO THE APPOINTING AUTHORITY:

20 (1) THE NAMES OF PERSONS ON THE ELIGIBILITY LISTS FOR THE
21 CLASSIFICATIONS IN WHICH THERE ARE VACANT POSITIONS; OR,

22 (2) IN THE CASE OF TRAINING OR PROMOTIONAL VACANCIES,
23 NAMES OF THE EMPLOYEES WHO ARE ELIGIBLE TO RECEIVE TRAINING OR,
24 WHO, HAVING COMPLETED SAID TRAINING, ARE ELIGIBLE FOR PROMOTION TO
25 A CLASSIFICATION, WHETHER OR NOT A VACANT POSITION EXISTS AT THE
26 TIME OF CERTIFICATION.

1 § 38-34. ON-THE-JOB TRAINING.

2 A. ELIGIBILITY.

3 (1) ELIGIBILITY LISTS FOR ON-THE-JOB TRAINING. THE
4 DIRECTOR OF HUMAN RESOURCES MAY ESTABLISH A LIST OF CURRENT, FULL-
5 TIME CLASSIFIED EMPLOYEES WHO HAVE SUCCESSFULLY COMPLETED THEIR
6 PROBATIONARY PERIODS WHO ARE ELIGIBLE FOR ENTRY IN TRAINING
7 PROGRAMS FOR EXISTING OR FUTURE POSITIONS. LENGTH OF SERVICE WILL
8 DETERMINE ELIGIBILITY FOR TRAINING.

9 (a) IN ORDER TO BE PLACED ON THIS LIST, AN EMPLOYEE
10 ~~MUST HAVE:~~ MUST:

11 (i) HAVE A GOOD ATTENDANCE RECORD. AN
12 EMPLOYEE WILL BE INELIGIBLE FOR PLACEMENT ON SAID LIST IF HE OR SHE
13 HAS BEEN PLACED ON SUPERVISED SICK LEAVE WITHIN THREE (3) MONTHS
14 FROM THE DATE OF SAID APPLICATION.

15 (ii) ~~WILL~~ BE IN GOOD PHYSICAL CONDITION.
16 EXCEPT AS OTHERWISE PROVIDED BY LAW, AN EMPLOYEE WILL BE INELIGIBLE
17 FOR PLACEMENT ON SAID LIST BASED ON A MEDICAL CONDITION WHICH
18 RESTRICTS HIS OR HER ABILITY TO PERFORM THE ESSENTIAL FUNCTIONS OF
19 THEIR CURRENT POSITION.

20 (iii) HAVE RECEIVED A "SATISFACTORY OR BETTER"
21 RATING ON THE EMPLOYEE EVALUATION PRECEDING THE DATE OF SAID
22 APPLICATION; AN EMPLOYEE WILL BE INELIGIBLE FOR PLACEMENT ON SAID
23 LIST IF THEY HAVE BEEN SUBJECT TO DISCIPLINARY ACTION RESULTING IN
24 A SUSPENSION WITHIN THE YEAR PRECEDING THE DATE OF APPLICATION.

25 B. CERTIFICATION.

26 (1) FOLLOWING COMPLETION OF SAID TRAINING PROGRAM, THE

1 EMPLOYEES WILL BE TESTED IN ACCORDANCE WITH STANDARDS TO BE SET BY
2 THE DIRECTOR OF HUMAN RESOURCES.

3 (2) EMPLOYEES WHO HAVE SATISFACTORILY MET THE
4 REQUIREMENTS OF SAID TESTING PROGRAM SHALL BE CERTIFIED BY THE
5 DIRECTOR OF HUMAN RESOURCES AS QUALIFIED FOR THE POSITION FOR WHICH
6 THE TRAINING HAS BEEN COMPLETED. A LIST OF EMPLOYEES WHO HAVE BEEN
7 CERTIFIED AS ELIGIBLE SHALL BE MAINTAINED FOR A PERIOD OF TWO (2)
8 YEARS.

9 (3) AT THE TIME OF EXPIRATION OF THE LIST, EMPLOYEES
10 UNPLACED AT THE TIME OF EXPIRATION WOULD BE CARRIED OVER TO A NEW
11 LIST UPON RECERTIFICATION, UNDER SECTION 38-34B.

12 C. VACANCIES; CERTIFICATION.

13 AT THE TIME THAT THE VACANCY FOR THAT POSITION OCCURS,
14 THE DIRECTOR OF HUMAN RESOURCES SHALL PROVIDE THE DEPARTMENT HEAD
15 WITH A LIST OF QUALIFIED EMPLOYEES. AT THE TIME THAT SUCH VACANCY
16 OCCURS, THE EMPLOYEES ON SUCH LIST MUST CONTINUE TO MEET THE
17 CRITERIA SPECIFIED IN SECTION 38-34A(1)(a). SAID EMPLOYEE WILL
18 ALSO BE SUBJECT TO THE CRITERIA CONTAINED IN SECTION 38-34B(2).

19 § 38-35. PROMOTIONS AND TRANSFERS.

20 A. PROMOTION - AN EMPLOYEE MAY BE PROMOTED FROM HIS PRESENT
21 POSITION TO A HIGHER POSITION OR CLASSIFICATION BY TRANSFER UNDER
22 SECTION 38-35C (1) OR PROMOTION TO A POSITION UNDER THE PROCEDURES
23 OUTLINED IN SECTION 38-33A (2).

24 B. CHANGE OF ASSIGNMENT. THE DEPARTMENT HEAD MAY RE-ASSIGN
25 AN EMPLOYEE FROM A POSITION IN A GIVEN CLASSIFICATION TO ANOTHER
26 POSITION IN THE SAME CLASS WITHIN THE DEPARTMENT. AN EMPLOYEE

1 OBJECTING TO THE REASSIGNMENT SHALL REQUEST A REVIEW OF THE ACTION
2 WITH THE DIRECTOR OF HUMAN RESOURCES. AN APPEAL OF THE ACTION MAY
3 BE MADE TO THE PERSONNEL ADVISORY BOARD UNDER SECTION 38-43C(3).

4 C. TRANSFER. THE TRANSFER OF A CLASSIFIED EMPLOYEE FROM ONE
5 POSITION, DEPARTMENT OR LOCATION TO ANOTHER MAY BE VOLUNTARY OR
6 INVOLUNTARY.

7 (1) VOLUNTARY TRANSFER. ANY EMPLOYEE WHO HAS COMPLETED
8 HIS PROBATIONARY PERIOD MAY APPLY TO THE DIRECTOR OF HUMAN
9 RESOURCES FOR TRANSFER FROM THE POSITION WHICH HE HOLDS TO A
10 POSITION OF THE SAME CLASSIFICATION IN ANOTHER DEPARTMENT OR
11 LOCATION, STATING HIS REASONS FOR IT. A COPY OF THE LETTER SHALL
12 BE SENT TO THE DEPARTMENT HEAD HEADS INVOLVED BY THE DIRECTOR OF
13 HUMAN RESOURCES. IF THE DIRECTOR OF HUMAN RESOURCES BELIEVES THE
14 TRANSFER WOULD BE FOR THE GOOD OF THE SERVICE, THE EMPLOYEE'S NAME
15 SHALL BE PLACED UPON A TRANSFER LIST OF ELIGIBLES AND MAY BE
16 CERTIFIED FOR APPOINTMENT TO ANY VACANCY IN THE SAME CLASSIFICATION
17 OR TO A POSITION SIMILAR TO THE ONE HELD BY THE EMPLOYEE.

18 (a) THE DEPARTMENT HEAD HEADS SHALL REPLY TO THE
19 DIRECTOR OF HUMAN RESOURCES, WHO WILL NOTIFY THE EMPLOYEE OF THE
20 STATUS OF HIS REQUEST.

21 (b) IF MORE THAN ONE EMPLOYEE APPLIES FOR A
22 TRANSFER TO AN EXISTING VACANCY, AND ALL APPLICANTS EQUALLY MEET
23 ALL QUALIFICATIONS, THE EMPLOYEE WITH THE GREATEST SENIORITY SHALL
24 BE GRANTED THE TRANSFER.

25 (2) INVOLUNTARY TRANSFER. AT THE REQUEST OF A
26 DEPARTMENT HEAD, AN EMPLOYEE MAY BE TRANSFERRED. SAID TRANSFER IS

1 SUBJECT TO THE APPROVAL OF THE DIRECTOR OF HUMAN RESOURCES. AN
2 APPEAL OF THE ACTION MAY BE MADE TO THE PERSONAL ADVISORY BOARD
3 UNDER SECTION 38-43C(3).

4 D. DEMOTION.

5 (1) INVOLUNTARY DEMOTION.

6 (a) A DEPARTMENT HEAD MAY SUBMIT TO THE DIRECTOR OF
7 HUMAN RESOURCES A WRITTEN RECOMMENDATION FOR THE DEMOTION OF AN
8 EMPLOYEE, AND SHALL PROVIDE THE EMPLOYEE WITH A COPY.

9 (b) THE DEPARTMENT HEAD SHALL ASSURE THAT THE
10 RECOMMENDATION INCLUDES:

11 (i) THE SPECIFIC REASONS FOR THE PROPOSED
12 DEMOTION;

13 (ii) THE POSITION AND RATE OF COMPENSATION TO
14 WHICH THE EMPLOYEE IS TO BE DEMOTED; AND

15 (iii) A STATEMENT INFORMING THE EMPLOYEE OF
16 THE APPROPRIATE APPEAL ROUTE.

17 (c) IN THE WRITTEN DECISION, THE DIRECTOR OF HUMAN
18 RESOURCES OR HIS DESIGNEE SHALL:

19 (i) APPROVE OR DISAPPROVE THE PROPOSED
20 DEMOTION; AND

21 (ii) PROVIDE THE DEPARTMENT HEAD AND THE
22 EMPLOYEE WITH COPIES OF THE DECISION.

23 (d) THE EMPLOYEE MAY APPEAL THE PROPOSED DEMOTION
24 TO THE PERSONNEL ADVISORY BOARD.

25 (e) THE DEPARTMENT HEAD SHALL ENFORCE THE DECISION.

26 (2) VOLUNTARY DEMOTION. A VOLUNTARY DEMOTION WITHOUT

1 PREJUDICE MAY BE GRANTED BY THE DIRECTOR OF HUMAN RESOURCES, UPON
2 THE RECOMMENDATION OF THE DEPARTMENT HEAD TOGETHER WITH THE
3 VOLUNTARY WRITTEN CONSENT OF THE EMPLOYEE.

4 (a) VOLUNTARY DEMOTION IN CASE OF LOSS OF SPECIAL
5 JOB SKILLS. AN EMPLOYEE WHO HAS LOST THEIR DRIVING PRIVILEGES MAY
6 BE SEPARATED FROM SERVICE OR DEMOTED TO A POSITION WHERE THE
7 EMPLOYEES' OTHER SKILLS MAY BE UTILIZED, IF SUCH A POSITION IS
8 AVAILABLE. WHEN THE PRIVILEGES ARE REINSTATED, THE EMPLOYEE MAY BE
9 ELIGIBLE FOR REINSTATEMENT IN HIS FORMER POSITION, OR A COMPARABLE
10 POSITION.

11 E. RESIGNATION. A RESIGNATION IS A VOLUNTARY ACT OF THE
12 EMPLOYEE. AN EMPLOYEE SHALL SUBMIT HIS RESIGNATION FOURTEEN (14)
13 CALENDAR DAYS PRIOR TO THE EFFECTIVE DATE OF SAME.

14 § 38-36. REDUCTION IN FORCE.

15 A. SHOULD IT BECOME NECESSARY TO REDUCE THE WORKING FORCE
16 DUE TO A CURTAILMENT OF FUNDS OR FOR OTHER REASONS, THE FOLLOWING
17 FACTORS SHALL DETERMINE THE EMPLOYEES AFFECTED:

18 (1) TOTAL LENGTH OF SATISFACTORY SERVICE.

19 (2) CURRENT EMPLOYEE EVALUATION.

20 B. A PERMANENT EMPLOYEE WHO IS REACHED IN A REDUCTION IN
21 FORCE MAY BE OFFERED A TRANSFER TO ANOTHER DEPARTMENT OR LOCATION
22 IN THE EMPLOYEE'S AREA OF SPECIALIZATION OR A DEMOTION TO A
23 POSITION WITHIN SAID AREA OF SPECIALIZATION. AN EMPLOYEE WHO
24 REFUSES SUCH OFFER SHALL SUBMIT HIS REJECTION IN WRITING.

25 C. EMPLOYEES AFFECTED BY THE REDUCTION IN FORCE SHALL BE
26 NOTIFIED IN WRITING OF THE PROPOSED ACTION AT LEAST THIRTY (30)

1 DAYS PRIOR TO THE EFFECTIVE DATE OF SUCH ACTION.

2 D. PRIOR TO THE REDUCTION IN FORCE, THE NUMBER OF POSITIONS
3 BY JOB TITLE, SHALL BE SUBMITTED TO THE DIRECTOR OF HUMAN
4 RESOURCES, WHO SHALL REVIEW AND DETERMINE ACTION TO BE TAKEN,
5 SUBJECT TO THE APPROVAL OF THE PERSONNEL ADVISORY BOARD.

6 (1) RECALL.

7 (a) EMPLOYEES SHALL BE RECALLED FROM LAYOFF IN
8 REVERSE ORDER FROM THEIR SEPARATION FROM SERVICE.

9 (b) EMPLOYEES RECALLED SHALL BE PAID AT THE SAME
10 GRADE AND STEP IN EFFECT AT THE TIME OF THEIR DISPLACEMENT.

11 (c) NO NEW EMPLOYEES SHALL BE HIRED UNTIL EMPLOYEES
12 ON LAYOFF STATUS, CAPABLE OF PERFORMING THE DUTIES ASSIGNED, HAVE
13 BEEN OFFERED THE OPPORTUNITY TO RETURN.

14 § 38-37. EMPLOYEE STATUS.

15 A. PROBATION.

16 (1) UPON APPOINTMENT ALL EMPLOYEES SHALL BE SUBJECT TO
17 A PROBATIONARY PERIOD. ONCE A PROBATIONARY PERIOD HAS BEEN
18 SATISFIED, THE EMPLOYEE WILL NOT BE REQUIRED TO SERVE ANY FURTHER
19 PROBATIONARY PERIOD, EXCEPT ANY PERIOD ESTABLISHED FOR DISCIPLINARY
20 REASONS, EXCEPT THAT, UPON PROMOTION, AN EMPLOYEE MAY BE REQUIRED
21 TO SERVE A TRIAL PERIOD, SAID PERIOD TO BE LIMITED TO NINETY (90)
22 DAYS. THE DIRECTOR OF HUMAN RESOURCES SHALL DETERMINE THE
23 POSITIONS WHICH SHALL BE SUBJECT TO SUCH TRIAL PERIODS; AN EMPLOYEE
24 SHALL BE NOTIFIED, AT THE TIME OF APPLICATION OR PROMOTION TO SAID
25 POSITION. IF, FOLLOWING EVALUATION AT THE CLOSE OF SAID PERIOD, AT
26 THE OPTION OF THE EMPLOYEE OR THE APPOINTING AUTHORITY, THE

1 EMPLOYEE MAY BE DEEMED UNQUALIFIED OR UNSUITABLE FOR THE POSITION.
2 AT THE EMPLOYEE'S REQUEST, HE SHALL BE RETURNED TO HIS FORMER
3 POSITION, IF SAID POSITION IS VACANT. IN THE CASE WHERE THE
4 EMPLOYEE'S FORMER POSITION HAS BEEN FILLED, THE EMPLOYEE WILL BE
5 ELIGIBLE FOR A VACANCY OF SIMILAR GRADE TO THE FORMER POSITION.

6 (a) WITH THE EXCEPTION OF LABORERS, WHO SHALL BE
7 SUBJECT TO A THREE (3) WORKING (ACTIVE DUTY) MONTH PROBATIONARY
8 PERIOD, ALL CLASSIFIED EMPLOYEES SHALL SERVE AN INITIAL SIX (6)
9 MONTH PROBATIONARY PERIOD.

10 (2) A PROBATIONARY STATUS CLASSIFIED EMPLOYEE SHALL BE
11 RETAINED BEYOND THE END OF HIS OR HER PROBATIONARY PERIOD AND
12 GRANTED A FULL CLASSIFIED SERVICE STATUS AFTER SIX (6) WORKING
13 (ACTIVE DUTY) MONTHS OF PROBATION IF THE DEPARTMENT HEAD CONCERNED
14 CERTIFIES THAT THE PERFORMANCE OF THE PROBATIONARY EMPLOYEE IS
15 SATISFACTORY AND RECOMMENDS TO THE DIRECTOR OF HUMAN RESOURCES THAT
16 THE EMPLOYEE BE GIVEN PERMANENT STATUS.

17 (3) A PROBATIONARY EMPLOYEE NOT RETAINED FOLLOWING
18 COMPLETION OF THEIR PROBATIONARY PERIOD OR DISCHARGED PRIOR TO ITS
19 COMPLETION SHALL BE ADVISED OF THE BASIS FOR SUCH DECISION BY THE
20 DIRECTOR OF HUMAN RESOURCES; SUCH TERMINATION SHALL NOT BE SUBJECT
21 TO AN APPEAL PURSUANT TO 38-43C.

22 B. EMPLOYEE PERFORMANCE EVALUATION.

23 (1) EVALUATION. ANNUALLY, UPON NOTICE BY THE DIRECTOR
24 OF HUMAN RESOURCES, EACH DEPARTMENT HEAD SHALL SUBMIT TO THE
25 DIRECTOR OF HUMAN RESOURCES AN EMPLOYEE PERFORMANCE EVALUATION FORM
26 BASED ON A SATISFACTORY OR UNSATISFACTORY RATING.

1 (2) WHEN EVALUATING AN EMPLOYEE'S PERFORMANCE, THE
2 APPOINTING AUTHORITY SHALL CONSIDER THE EMPLOYEE'S USE OF SICK
3 LEAVE.

4 (3) PERFORMANCE EVALUATION CONFIDENTIAL. ALL FINAL
5 PERFORMANCE EVALUATIONS SHALL BECOME A PERMANENT PART OF AN
6 EMPLOYEE'S PERSONNEL RECORD AND SHALL BE MADE AVAILABLE ONLY TO:

7 (a) THE EMPLOYEE OR HIS DESIGNATED REPRESENTATIVE.

8 (b) THE SUPERVISOR WHO IS CONSIDERING EMPLOYEE FOR
9 A POSITION IN HIS ORGANIZATION.

10 (c) THE EMPLOYEE'S SUPERVISOR.

11 (d) THE DIRECTOR OF HUMAN RESOURCES OR HIS
12 AUTHORIZED REPRESENTATIVE.

13 (e) MEMBERS OF THE PERSONNEL ADVISORY BOARD.

14 § 38-38. LEAVE WITH PAY.

15 A. ELIGIBILITY FOR EARNING LEAVE. LEAVE TIME IS EARNED BY
16 FULL-TIME AND PART-TIME PERMANENT CLASSIFIED EMPLOYEES. EMPLOYEES
17 MUST BE IN A PAY STATUS THE DAY BEFORE OR AFTER TO RECEIVE HOLIDAY
18 PAY OR IN A DUTY STATUS TO RECEIVE ADMINISTRATIVE LEAVE. THE
19 APPLICATION OF THIS SECTION IS SUBJECT TO THE INTERPRETATION OF THE
20 DIRECTOR OF HUMAN RESOURCES.

21 B. HOLIDAYS.

22 (1) THE FOLLOWING DAYS ARE DESIGNATED AS REGULAR
23 HOLIDAYS, AND EMPLOYEES EXCUSED FROM DUTY SHALL RECEIVE THEIR FULL
24 RATE OF PAY WITH NO CHARGE TO LEAVE:

25 NEW YEAR'S DAY

JANUARY 1

26 DR. MARTIN LUTHER KING'S

THIRD MONDAY IN JANUARY

BIRTHDAY

PRESIDENT'S DAY

THIRD MONDAY IN FEBRUARY

MEMORIAL DAY

LAST MONDAY IN MAY

INDEPENDENCE DAY

JULY 4

LABOR DAY

FIRST MONDAY IN SEPTEMBER

VETERANS DAY

NOVEMBER 11

THANKSGIVING DAY

FOURTH THURSDAY IN
NOVEMBER

FRIDAY AFTER THANKSGIVING DAY

FRIDAY AFTER THANKSGIVING
DAY

CHRISTMAS DAY

DECEMBER 25

(2) IN ADDITION, ANY DAY DESIGNATED BY THE COUNTY
EXECUTIVE, OR BY THE PRESIDENT OF THE UNITED STATES OF AMERICA OR
GOVERNOR OF THE STATE OF MARYLAND, AND ADMINISTRATIVELY APPROVED AS
A LEAVE DAY BY THE COUNTY EXECUTIVE.

(3) ALL EMPLOYEES REQUIRED TO WORK ON HOLIDAYS ELIGIBLE
FOR HOLIDAY PAY SHALL BE PAID EIGHT (8) HOURS STRAIGHT TIME PLUS
ONE AND ONE-HALF TIMES THEIR HOURLY RATE FOR EACH HOUR WORKED.

(4) EMPLOYEES MUST BE IN A PAY STATUS EITHER THE DAY
BEFORE OR THE DAY AFTER THE HOLIDAY TO RECEIVE HOLIDAY PAY.

(5) EMPLOYEE MUST BE IN A DUTY STATUS TO RECEIVE THE
BENEFITS OF ANY ADMINISTRATIVE LEAVE.

C. PERSONAL LEAVE.

(1) IN EACH CALENDAR YEAR A FULL-TIME EMPLOYEE IS
ENTITLED TO EIGHT (8) DAYS OF PERSONAL LEAVE.

~~(a) ACCRUAL OF PERSONAL LEAVE SHALL BE PRO-RATED~~

1 ~~OVER THE FIRST CALENDAR YEAR OF EMPLOYMENT AS FOLLOWS: HIRED~~
2 ~~(FIRST DAY OF WORK) IN JANUARY -- 8 DAYS; FEBRUARY -- 7-1/2 DAYS;~~
3 ~~MARCH -- 7 DAYS; APRIL -- 6-1/2 DAYS; MAY -- 6 DAYS; JUNE -- 5-1/2~~
4 ~~DAYS; JULY -- 5 DAYS; AUGUST -- 4 DAYS; SEPTEMBER -- 3 DAYS; OCTOBER --~~
5 ~~2 DAYS; NOVEMBER -- 1 DAY; DECEMBER -- 0 DAYS. AN EMPLOYEE IS NOT~~
6 ~~ELIGIBLE TO USE PERSONAL LEAVE DURING THE PROBATIONARY PERIOD.~~

7 (2) AN EMPLOYEE MAY NOT ACCUMULATE PERSONAL LEAVE FROM
8 CALENDAR YEAR TO CALENDAR YEAR.

9 (3) AN EMPLOYEE MAY USE PERSONAL LEAVE IN INCREMENTS OF
10 AT LEAST ONE-HALF DAY WITHOUT OBTAINING PRIOR APPROVAL, PROVIDED
11 THAT THE EMPLOYEE NOTIFIES THE EMPLOYEE'S IMMEDIATE SUPERVISOR NOT
12 LATER THAN FIFTEEN (15) MINUTES AFTER THE EMPLOYEE'S NORMAL
13 REPORTING OR STARTING TIME OF THE EMPLOYEE'S INTENDED USE OF
14 PERSONAL LEAVE. EMPLOYEES USING PERSONAL LEAVE FOR THE SECOND HALF
15 OF THE WORK DAY SHALL NOTIFY THE IMMEDIATE SUPERVISOR OF HIS
16 INTENTION TO USE SUCH LEAVE WITHIN FIFTEEN (15) MINUTES OF THE
17 EMPLOYEE'S NORMAL REPORTING TIME. HOWEVER, WHEN APPROPRIATE,
18 DEPARTMENT HEADS MAY ADOPT WRITTEN POLICIES CONCERNING USE OF THIS
19 LEAVE IN LESS THAN HALF-DAY INCREMENTS AND NOTIFICATION LATER THAN
20 FIFTEEN (15) MINUTES AFTER THE EMPLOYEE'S NORMAL REPORTING OR
21 STARTING TIME.

22 (4) AN EMPLOYEE SCHEDULED TO WORK ON A COUNTY HOLIDAY,
23 OR OF AN AGENCY OR INSTITUTION WHICH RENDERS A SERVICE THAT IS
24 PROVIDED CONTINUOUSLY ON A SEVEN-DAY-A-WEEK BASIS, MAY NOT USE
25 PERSONAL LEAVE WITHOUT OBTAINING PRIOR APPROVAL FROM THE EMPLOYEE'S
26 IMMEDIATE SUPERVISOR. HOWEVER, APPROVAL MAY BE DENIED ONLY IF THE

1 IMMEDIATE SUPERVISOR DETERMINES THAT DENIAL IS NECESSARY AS A
2 RESULT OF A CRITICAL SHORTAGE OF STAFF.

3 (5) NO PRIOR APPROVAL IS REQUIRED IN ORDER FOR AN
4 EMPLOYEE TO USE PERSONAL LEAVE UP TO AND INCLUDING TWO (2) DAYS;
5 PRIOR NOTICE OF INTENT TO USE SAID LEAVE SHOULD BE GIVEN WHENEVER
6 POSSIBLE. THE USE OF PERSONAL LEAVE IN EXCESS OF ONE (1) DAY DOES
7 NOT RELIEVE THE EMPLOYEE OF REPORTING HIS INTENT TO USE SAID LEAVE
8 WITHIN FIFTEEN (15) MINUTES OF HIS REGULAR STARTING TIME ON THE
9 SECOND DAY, IF SAID NOTICE HAD NOT BEEN PREVIOUSLY GIVEN.

10 (6) SEPARATION FROM SERVICE. UPON RETIREMENT FROM
11 COUNTY SERVICE, THE EMPLOYEE SHALL BE PAID FOR ALL UNUSED PERSONAL
12 LEAVE. UPON RESIGNATION, AN EMPLOYEE SHALL BE PAID FOR UP TO TWO
13 (2) DAYS OF PERSONAL LEAVE.

14 D. ANNUAL LEAVE.

15 (1) ANNUAL LEAVE WILL BE REQUESTED AND APPROVED IN
16 ADVANCE. IF, DUE TO UNUSUAL CIRCUMSTANCES, IT IS NOT POSSIBLE TO
17 OBTAIN PRIOR APPROVAL FOR SUCH ABSENCE, A REQUEST MAY BE SUBMITTED
18 AFTER THE FACT FOR DEPARTMENT HEAD APPROVAL. IF A DEPARTMENT HEAD
19 DOES NOT APPROVE SUCH REQUEST, HE SHALL SO INFORM THE EMPLOYEE AND
20 RECORD IT AS ABSENT WITHOUT PAY AND SO NOTIFY THE DIRECTOR OF HUMAN
21 RESOURCES. THE PERIOD OF PRE-APPROVED ANNUAL LEAVE MAY BE EXTENDED
22 BY WRITTEN REQUEST OR TELEPHONE CALL TO THE EMPLOYEE'S SUPERVISOR
23 PROVIDED THAT NOTICE OF INTENT TO EXTEND LEAVE IS RECEIVED BY THE
24 SUPERVISOR TWO (2) WORK DAYS PRIOR TO THE BEGINNING OF THE
25 EXTENSION. IF THE SUPERVISOR DENIES SAID EXTENSION, SAID ABSENCE
26 SHALL BE CHARGED AS LEAVE WITHOUT PAY. THE EXTENSION OF SAID LEAVE

TO BE GRANTED ON A REASONABLE BASIS.

(2) ANNUAL LEAVE SHALL NOT BE GRANTED NOR USED DURING THE PROBATIONARY EMPLOYMENT PERIOD. ANY NECESSARY ABSENCE, OTHER THAN ABSENCES BASED ON MEDICAL REASONS, DURING THE PROBATIONARY PERIOD WILL BE CHARGED AS LEAVE WITHOUT PAY.

(3) ACCRUAL RATE. ALL REGULAR FULL-TIME EMPLOYEES SHALL ACCRUE ANNUAL LEAVE ON THE FOLLOWING BASIS:

(a) ZERO (0) THROUGH THIRD YEARS OF SERVICE, INCLUSIVE: TWELVE (12) DAYS OF ANNUAL LEAVE PER YEAR, ONE (1) DAY PER MONTH.

(b) FOURTH THROUGH NINTH YEARS OF SERVICE, INCLUSIVE: FIFTEEN (15) DAYS OF ANNUAL LEAVE PER YEAR, ONE AND ONE-FOURTH (1-1/4) DAYS PER MONTH.

(c) TENTH THROUGH FIFTEENTH YEARS OF SERVICE, INCLUSIVE: TWENTY-ONE (21) DAYS OF ANNUAL LEAVE PER YEAR, ONE AND THREE-FOURTHS (1-3/4) DAYS PER MONTH.

(d) OVER FIFTEENTH YEAR OF SERVICE: TWENTY-FOUR (24) DAYS OF ANNUAL LEAVE PER YEAR, TWO (2) DAYS PER MONTH.

ALL REGULAR PART-TIME EMPLOYEES SHALL ACCRUE ANNUAL LEAVE IN PROPORTION TO TIME WORKED.

(4) MAXIMUM ACCUMULATION. A TOTAL OF THIRTY-FIVE (35) DAYS OF ANNUAL LEAVE IS THE MAXIMUM THAT MAY BE CARRIED OVER FROM ONE (1) CALENDAR YEAR TO THE NEXT.

(5) PAYMENT FOR UNUSED ANNUAL LEAVE. WHEN AN EMPLOYEE IS SEPARATED FROM OR OTHERWISE LEAVES THE COUNTY SERVICE, HE SHALL BE PAID IN A LUMP SUM FOR SUCH LEAVE, NOT TO EXCEED FIFTY-NINE (59)

1 DAYS.

2 (6) TEMPORARY EMPLOYEES. ANNUAL LEAVE SHALL NOT BE
3 GRANTED TO TEMPORARY EMPLOYEES, NOR SHALL THEY ACCRUE OR ACCUMULATE
4 SUCH LEAVE.

5 (7) AN EMPLOYEE IS NOT ELIGIBLE TO USE ANNUAL LEAVE
6 DURING PROBATIONARY PERIOD.

7 E. SICK LEAVE.

8 (1) ACCRUAL RATE. ALL REGULAR FULL-TIME EMPLOYEES SHALL
9 ACCRUE SICK LEAVE CREDITS ON THE BASIS OF ONE AND ONE-FOURTH (1-
10 1/4) DAYS FOR EACH FULL MONTH OF CREDITABLE SERVICE.

11 (2) MAXIMUM ACCUMULATION. THERE SHALL BE NO LIMIT ON
12 THE AMOUNT OF SICK LEAVE CREDITS THAT CAN BE ACCUMULATED.

13 (3) SICK LEAVE USAGE. SICK LEAVE WILL BE AVAILABLE ONLY
14 IN THE FOLLOWING INSTANCES:

15 (a) ACTUAL ILLNESS ~~OF~~ OR DISABILITY OF THE
16 EMPLOYEE- ; OR

17 (b) NECESSARY MEDICAL, DENTAL OR OPTICAL
18 EXAMINATION AND/OR TREATMENT. NORMALLY SUCH ABSENCES WILL BE
19 REQUESTED AND APPROVED IN ADVANCE AND WILL NOT EXCEED ONE (1) DAY-
20 ; OR

21 (c) CONFINEMENT TO HOME BECAUSE OF QUARANTINE, AS
22 DETERMINED BY AUTHORIZED MEDICAL AUTHORITY- ; OR

23 (d) NECESSARY MEDICAL, DENTAL, OPTICAL TREATMENT
24 OR THE ILLNESS OF QUALIFYING FAMILY MEMBERS IN
25 ACCORDANCE WITH STANDARDS AS ESTABLISHED BY
26 THE DIRECTOR OF HUMAN RESOURCES.

1 (4) REQUESTS FOR SICK LEAVE. IF AN EMPLOYEE IS UNABLE
2 TO REPORT FOR DUTY BECAUSE OF ILLNESS, HE SHALL NOTIFY HIS
3 DEPARTMENT HEAD AS SOON AS POSSIBLE, BUT NOT LATER THAN TWO (2)
4 HOURS AFTER THE TIME HE WAS TO REPORT FOR DUTY. ANY EXCEPTION TO
5 THIS RULE MUST BE APPROVED BY THE DEPARTMENT HEAD. FAILURE TO
6 COMPLY WITH THIS REQUIREMENT MAY RESULT IN A LOSS OF PAY FOR TIME
7 OFF AND SUBJECT THE EMPLOYEE TO DISCIPLINARY ACTION.

8 (5) NORMALLY AN EMPLOYEE'S PERSONAL CERTIFICATION WILL
9 BE ACCEPTED FOR AN ABSENCE OF THREE (3) DAYS OR LESS. IF A
10 DEPARTMENT HEAD HAS REASON TO BELIEVE THAT SICK LEAVE PRIVILEGES
11 ARE BEING ABUSED, HE MAY, WITH THE APPROVAL OF THE DIRECTOR OF
12 HUMAN RESOURCES, REQUIRE THE EMPLOYEE TO FURNISH A MEDICAL
13 CERTIFICATE FOR ANY PERIOD OF SICK LEAVE.

14 (6) MEDICAL INVESTIGATION.

15 (a) A DEPARTMENT HEAD MAY REQUEST THE DIRECTOR OF
16 HUMAN RESOURCES TO HAVE A PHYSICAL INVESTIGATION MADE OF ANY
17 EMPLOYEE WHO LOSES EXCESSIVE TIME FROM EMPLOYMENT BECAUSE OF
18 ILLNESS OR FOR THE PURPOSE OF DETERMINING WHETHER AN EMPLOYEE HAS
19 ANY DISABILITY WHICH WOULD PREVENT THE EMPLOYEE FROM THE PROPER
20 PERFORMANCE OF THE EMPLOYEE'S DUTIES. THE REQUEST SHALL CONTAIN A
21 RECORD OF ABSENCES CAUSED BY THE DISABILITY, AILMENT, ILLNESS OR
22 BEHAVIOR OF THE EMPLOYEE AND THE REASON FOR THE REQUEST.

23 (b) IF THE MEDICAL INVESTIGATION REVEALS THAT THE
24 EMPLOYEE IS UNABLE TO CONTINUE ACTIVE EMPLOYMENT IN HIS CURRENT
25 POSITION, OR MAKES HIS CONTINUANCE ON THE JOB SITE A DANGER TO
26 HIMSELF OR OTHERS, ACTIONS MAY BE TAKEN FOR VOLUNTARY SEPARATION OR

1 THE FILING OF WRITTEN CHARGES FOR REMOVAL. AN EMPLOYEE MAY BE
2 REMOVED FROM THE WORK SITE IF HIS CONDITION REPRESENTS A THREAT TO
3 HIMSELF OR OTHERS.

4 (i) IF THE DISABILITY IS CORRECTABLE, THE
5 EMPLOYEE SHALL BE GIVEN A SPECIFIED TIME TO HAVE IT CORRECTED. IF
6 HE FAILS TO TAKE THE STEPS REQUIRED BY THE MEDICAL OFFICER OR THE
7 DIRECTOR OF HUMAN RESOURCES, BASED ON THE RECOMMENDATION OF THE
8 MEDICAL OFFICER, WITHIN THE TIME SPECIFIED, HE SHALL BE SUBJECT TO
9 DISCIPLINARY ACTION.

10 (ii) IF, IN THE OPINION OF THE EXAMINING
11 PHYSICIAN, THE DISABILITY CANNOT BE CORRECTED, THE DIRECTOR OF
12 HUMAN RESOURCES SHALL ATTEMPT TO PLACE THE EMPLOYEE IN A POSITION
13 MORE COMMENSURATE WITH HIS CAPABILITIES. IF THIS IS NOT POSSIBLE,
14 THE DIRECTOR OF HUMAN RESOURCES SHALL ADVISE THE EMPLOYEE THAT HE
15 HAS THE RIGHT TO HAVE A SECOND OPINION BY A PHYSICIAN OF THE
16 EMPLOYEE'S CHOICE AND AT THE EMPLOYEE'S COST.

17 (c) THE DIRECTOR OF HUMAN RESOURCES MAY REFER AN
18 EMPLOYEE ON SICK LEAVE TO THE MEDICAL OFFICER OR ANOTHER PHYSICIAN
19 FOR PERIODICAL EXAMINATIONS TO DETERMINE THE NATURE AND EXTENT OF
20 THE ILLNESS, THE EMPLOYEE'S PROGRESS TOWARD RECOVERY, THE LENGTH OF
21 TIME NECESSARY FOR RECOVERY, AND AN ESTIMATED DATE OF RETURN TO
22 WORK.

23 F. WITH THE APPROVAL OF THE DIRECTOR OF HUMAN RESOURCES,
24 DEPARTMENT HEADS MAY ADOPT ADDITIONAL REQUIREMENTS REGARDING THE
25 USE OF ANNUAL OR PERSONAL LEAVE.

26 G. DISABILITY LEAVE. AN EMPLOYEE INJURED ON THE JOB SHALL BE

1 REIMBURSED THE DIFFERENCE BETWEEN PAYMENTS RECEIVED UNDER THE STATE
2 WORKERS' COMPENSATION ACT AND HIS REGULAR, NET SALARY AT A RATE OF
3 ONE (1) WEEKS PAY, FOR UP TO ONE (1) YEAR'S SERVICE AND TWO WEEKS
4 PAY FOR EACH YEAR, OR PORTION OF YEARS ADDITIONAL SERVICE. AT THE
5 EXPIRATION OF THE BENEFITS, THE EMPLOYEE MAY ELECT TO USE HIS
6 ACCUMULATED SICK OR ANNUAL LEAVE.

7 H. MILITARY LEAVE.

8 (1) A MILITARY LEAVE OF ABSENCE SHALL BE AN EXCUSED
9 LEAVE OF ABSENCE GRANTED IF YOU ARE INDUCTED, RECALLED TO ACTIVE
10 DUTY, ENTER ACTIVE MILITARY DUTY VOLUNTARILY OR ARE IN THE MILITARY
11 RESERVES OR NATIONAL GUARD AND ARE CALLED TO LIMITED ACTIVE DUTY,
12 REGULAR TRAINING ASSIGNMENTS, OR EXTENDED TRAINING DUTY. MILITARY
13 LEAVE MAY BE PAID OR UNPAID.

14 (a) ACTIVE MILITARY DUTY. A PERMANENT EMPLOYEE WHO
15 LEAVES COUNTY SERVICE TO ENTER THE ARMED SERVICES OF THE UNITED
16 STATES VOLUNTARILY, BY INDUCTION OR REACTIVATION SHALL BE GRANTED
17 MILITARY LEAVE WITHOUT PAY. SUCH LEAVE SHALL EXTEND THROUGH NINETY
18 (90) DAYS AFTER HONORABLE DISCHARGE.

19 (b) MEMBERS OF THE NATIONAL GUARD OR MILITARY
20 RESERVES WHO ARE REQUIRED TO ENGAGE IN REGULAR/ANNUAL TRAINING
21 EXERCISES WILL BE GRANTED MILITARY LEAVE, WITH PAY, FOR A PERIOD
22 NOT TO EXCEED A TOTAL OF THREE (3) WEEKS IN ONE (1) CALENDAR YEAR.

23 (c) MEMBERS OF THE NATIONAL GUARD ORDERED TO ACTIVE
24 DUTY UNDER THE AUTHORITY OF THE GOVERNOR SHALL BE ENTITLED TO
25 MILITARY LEAVE, WITH PAY, FOR SUCH TIME WHILE ACTUALLY SERVING
26 UNDER ACTIVE DUTY ORDERS IN ADDITION TO THE THREE (3) WEEK PERIOD

1 SPECIFIED IN SECTION b.

2 (d) MEMBERS OF THE MILITARY RESERVES WHO ARE
3 ORDERED INTO THE ACTIVE MILITARY SERVICE OF THE UNITED STATES SHALL
4 BE GRANTED MILITARY LEAVE WITHOUT PAY. SUCH LEAVE SHALL EXTEND
5 THROUGH THIRTY-ONE (31) DAYS AFTER RELEASE FROM ACTIVE DUTY.

6 (2) REINSTATEMENT. UPON SATISFACTORY COMPLETION OF ~~YOUR~~
7 MILITARY SERVICE AND TIMELY NOTICE OF ~~YOUR~~ INTENT TO RETURN TO
8 WORK, ~~YOU~~ AN EMPLOYEE WILL BE REINSTATED TO ~~YOUR~~ THE EMPLOYEE'S
9 FORMER POSITION, OR A COMPARABLE POSITION WITH SIMILAR STATUS,
10 COMPENSATION AND BENEFIT ENTITLEMENT, PROVIDED ~~YOU ARE~~ THE EMPLOYEE
11 IS QUALIFIED TO RETURN TO FULL-TIME DUTIES.

12 (a) ACTIVE MILITARY DUTY. ~~YOU~~ MUST REAPPLY FOR
13 EMPLOYMENT WITHIN NINETY (90) DAYS AFTER BEING HONORABLY
14 DISCHARGED.

15 (b) MILITARY RESERVISTS OR NATIONAL GUARD.

16 (1) RETURN FROM ACTIVE DUTY - ~~YOU~~ MUST APPLY
17 FOR RE-EMPLOYMENT WITHIN THIRTY-ONE (31) DAYS AFTER RELEASE FROM
18 ACTIVE DUTY.

19 (2) RETURN FROM REGULAR TRAINING - ~~YOU~~ MUST
20 REPORT TO WORK ON THE FIRST SCHEDULED WORK DAY FOLLOWING COMPLETION
21 OF TRAINING.

22 (3) BENEFITS.

23 (a) ANNUAL AND SICK LEAVE, AS PROVIDED BY THE
24 COUNTY CODE, WILL CONTINUE TO ACCRUE DURING THE PERIOD THAT AN
25 EMPLOYEE IS ON MILITARY LEAVE UNDER 1(b), (c) and (d).

26 ~~(b) INSURANCE. HARFORD COUNTY WILL PAY THE COSTS~~

1 ~~OF THE CONTINUATION OF HEALTH CARE AND LIFE INSURANCE BENEFITS FOR~~
2 ~~EMPLOYEES WHO ARE MEMBERS OF THE NATIONAL GUARD OR RESERVES WHO ARE~~
3 ~~ORDERED TO ACTIVE DUTY.~~

4 ~~(e)~~ (b) AN EMPLOYEE MAY ELECT TO USE ACCRUED
5 ANNUAL OR PERSONAL LEAVE INSTEAD OF MILITARY LEAVE BY FILING
6 WRITTEN NOTICE OF THEIR INTENT TO DO SO WITH THE PERSONNEL OFFICER.

7 I. CIVIL LEAVE.

8 (1) AN EMPLOYEE MAY BE GRANTED CIVIL LEAVE AND EXCUSED
9 FROM DUTY, WITH PAY, IN THE FOLLOWING CIRCUMSTANCES:

10 (a) WHEN SELECTED TO SERVE ON JURY DUTY.

11 (b) WHEN SUBPOENAED TO APPEAR BEFORE A COURT,
12 PUBLIC BODY OR COMMISSION IN CONNECTION WITH COUNTY BUSINESS.

13 (c) WHEN PERFORMING EMERGENCY CIVILIAN DUTY IN
14 CONNECTION WITH THE NATIONAL, STATE OR LOCAL SECURITY.

15 (2) ANY EMPLOYEE CALLED FOR JURY DUTY WILL BE REIMBURSED
16 THE DIFFERENCE BETWEEN PAYMENTS RECEIVED AS A JUROR AND HIS REGULAR
17 SALARY. SUCH LEAVE SHALL NOT BE DEDUCTED FROM ANY OTHER LEAVE
18 EARNED BY THE EMPLOYEE.

19 (3) ALL OTHER CIVIL LEAVE SHALL BE APPROVED BY THE
20 COUNTY.

21 J. FUNERAL LEAVE.

22 (1) PERMISSION FOR FUNERAL LEAVE OR CONDITIONS CAUSED BY
23 DEATH IN THE IMMEDIATE FAMILY FOR A MAXIMUM PERIOD OF THREE (3)
24 WORK DAYS WITH PAY SHALL BE GRANTED AT THE DISCRETION OF HIS OR HER
25 SUPERIOR. ONE (1) DAY EXTRA WILL BE PERMITTED FOR TRAVEL OUT OF
26 STATE AFTER THE DATE OF BURIAL EXCEPT WHEN BURIAL OCCURS ON A

1 FRIDAY OR SATURDAY.

2 (2) THE "IMMEDIATE FAMILY" IS CONSIDERED TO BE SPOUSE,
3 FATHER, MOTHER, SISTER, BROTHER, ~~STEP-CHILD, STEP-PARENT,~~ CHILD OR
4 GRANDPARENT OF THE EMPLOYEE AND FAMILY OF SPOUSE IN THESE
5 RELATIONSHIPS OR, STEP-RELATIONSHIPS WHICH QUALIFY AS IMMEDIATE
6 FAMILY, AS DETERMINED BY THE DIRECTOR OF HUMAN RESOURCES.

7 K. ADMINISTRATIVE LEAVE. LEAVE TIME GRANTED BY ORDER OF THE
8 COUNTY EXECUTIVE OR ABSENCE/LATENESS GRANTED BY THE EMPLOYEE'S
9 DEPARTMENT HEAD.

10 L. MATERNITY LEAVE.

11 (1) CLASSIFIED EMPLOYEES MAY USE ACCRUED SICK LEAVE FOR
12 ANY PREGNANCY-CONNECTED DISABILITY DURING THEIR PREGNANCY UNTIL IT
13 IS EXPENDED OR UNTIL THEY RETURN TO WORK, WHICHEVER OCCURS FIRST.
14 AN EMPLOYEE MUST SUBMIT TO HER SUPERVISOR AND THE DIRECTOR OF HUMAN
15 RESOURCES, AS SOON AS POSSIBLE AFTER THE TERMINATION OF THE
16 PREGNANCY, A WRITTEN CERTIFICATION FROM THE ATTENDING PHYSICIAN
17 SPECIFYING WHEN THE EMPLOYEE WILL BE PHYSICALLY ABLE TO RETURN TO
18 WORK.

19 (2) EMPLOYEES MAY CONTINUE TO WORK FOR AS LONG AS THEY
20 ARE PHYSICALLY ABLE BEFORE THE DATE OF DELIVERY, PROVIDED THAT A
21 WRITTEN CERTIFICATION FROM THE ATTENDING PHYSICIAN STATING THAT
22 CONTINUED EMPLOYMENT WOULD NOT BE INJURIOUS TO THE EMPLOYEE'S
23 CONDITION IS SUBMITTED TO AND APPROVED BY HER SUPERVISOR AND THE
24 DIRECTOR OF HUMAN RESOURCES. THE EMPLOYEE MAY ALSO RETURN TO WORK
25 AS SOON AS PHYSICALLY ABLE FOLLOWING THE TERMINATION OF PREGNANCY.
26 THIS DETERMINATION WILL BE MADE BY THE ATTENDING PHYSICIAN. ALL

1 EMPLOYEES RETURNING FROM MATERNITY LEAVE ARE REQUIRED TO SUBMIT TO
2 AND HAVE APPROVED BY THE DIRECTOR OF HUMAN RESOURCES A
3 CERTIFICATION OF ABILITY TO RETURN TO WORK FROM THEIR ATTENDING
4 PHYSICIAN.

5 (3) EMPLOYEES MAY TAKE UP TO A TOTAL OF SIX (6) MONTHS
6 LEAVE WITHOUT PAY AFTER THE EXHAUSTION OF ACCRUED SICK LEAVE IF
7 THEY DO NOT WISH TO RETURN TO WORK AS SOON AS PHYSICALLY ABLE. IF
8 AN EMPLOYEE DOES NOT USE ALL ACCRUED SICK LEAVE WHILE TEMPORARILY
9 DISABLED DUE TO MATERNITY REASONS, ALL UNUSED SICK LEAVE WILL BE
10 CREDITED UPON RETURNING TO WORK.

11 (4) ANYTIME CIRCUMSTANCES OCCUR IN A MATERNITY ILLNESS
12 WHICH ARE DIFFERENT FROM OR DO NOT CONFORM IN EXACT DETAIL TO THE
13 GENERAL CIRCUMSTANCES DESCRIBED IN THE ABOVE POLICIES, THEY MAY BE
14 INTERPRETED AND DECIDED UPON THEIR INDIVIDUAL MERITS BY THE
15 DIRECTOR OF HUMAN RESOURCES.

16 (5) DURING AN EMPLOYEE'S LEAVE, HER VACANCY BECOMES AN
17 "OBLIGATED POSITION" AND SHALL BE RESERVED FOR THE EMPLOYEE UNTIL
18 HER RETURN TO DUTY OR RESIGNATION. IF A REPLACEMENT IS REQUIRED,
19 SUCH REPLACEMENT WILL BE HIRED ON A TEMPORARY APPOINTMENT NOT TO
20 EXCEED THE PERIOD OF LEAVE. WHEN THE EMPLOYEE ON LEAVE IS READY TO
21 RETURN TO DUTY FROM MATERNITY LEAVE, SHE SHALL NOTIFY THE DIRECTOR
22 OF HUMAN RESOURCES IN WRITING OF THIS FACT AND INDICATE THE DATE OF
23 RETURN. SHE SHALL SUBMIT THIS NOTICE AT LEAST FIFTEEN (15) DAYS IN
24 ADVANCE OF RETURN DATE. SUCH NOTICE SHALL INCLUDE A MEDICAL
25 CERTIFICATE INDICATING ABILITY TO RETURN TO DUTY AND DATE. THE
26 PERSON OCCUPYING THE POSITION ON A TEMPORARY BASIS SHALL BE

1 NOTIFIED, IN WRITING, OF THE TERMINATION OF HER TEMPORARY
2 APPOINTMENT. SUCH NOTICE TO THE TEMPORARY EMPLOYEE SHALL BE ISSUED
3 SO THAT THE EMPLOYEE WILL HAVE AT LEAST SEVEN (7) CALENDAR DAYS'
4 NOTICE OF SEPARATION. IF FOR ANY REASON THE EMPLOYEE DOES NOT
5 INTEND TO RETURN TO DUTY, HER NOTICE WILL BE CONSIDERED AS A
6 RESIGNATION AND BE TREATED AS SUCH.

7 ~~§ 38-39. LEAVE WITHOUT PAY.~~

8 A M. EDUCATIONAL LEAVE.

9 A FULL-TIME PERMANENT EMPLOYEE MAY BE GRANTED EDUCATIONAL
10 LEAVE, WITH PAY, FOR THE PURPOSE OF TAKING COURSES RELATING TO HIS
11 WORK, SAID COURSES TO BE APPROVED BY THE APPROPRIATE DEPARTMENT
12 HEAD AND THE DIRECTOR OF HUMAN RESOURCES.

13 B § 38-39. LEAVE OF ABSENCE.

14 (1) A. A DEPARTMENT HEAD, WITH THE APPROVAL OF THE
15 DIRECTOR OF HUMAN RESOURCES, MAY GRANT A PERMANENT EMPLOYEE A LEAVE
16 OF ABSENCE WITHOUT PAY FOR A PERIOD NOT TO EXCEED ONE (1) YEAR.
17 THE APPROVAL AND GRANT OF SUCH LEAVE OF ABSENCE WITHOUT PAY SHALL
18 BE BASED ON THE FACT THAT THERE IS A REASONABLE ASSURANCE THAT THE
19 EMPLOYEE WILL RETURN TO DUTY AND THAT SUCH ABSENCE WILL BE OF
20 BENEFIT TO THE EMPLOYEE AND TO THE COUNTY. THE CONDITIONS AND
21 PROCEDURE FOR EXERCISE OF SAID LEAVE SHALL BE ESTABLISHED BY
22 ADMINISTRATIVE POLICY.

23 (2) B. FAILURE OF EMPLOYEE TO RETURN TO DUTY FROM
24 LEAVE OF ABSENCE WITHOUT PAY SHALL BE CONSTRUED AS A RESIGNATION
25 EFFECTIVE ON THE LAST DAY OF APPROVED LEAVE OF ABSENCE.

26 § 38-40. OTHER BENEFITS.

1 A. DEATH BENEFITS. UPON DEATH OF A CLASSIFIED EMPLOYEE
2 WHILE IN ACTIVE SERVICE, HIS DESIGNATED BENEFICIARY SHALL BE PAID
3 ALL ACCUMULATED ANNUAL LEAVE. IN ADDITION, THE EMPLOYEE'S SPOUSE
4 OR DESIGNATED BENEFICIARY SHALL BE PAID FIFTY PERCENT (50%) OF
5 ACCUMULATED SICK LEAVE AND FOUR (4) WEEKS SEVERANCE PAY. IF THERE
6 IS NO DESIGNATED BENEFICIARY, ANNUAL LEAVE ONLY SHALL BE PAID TO
7 DECEDENT'S ESTATE.

8 B. RETIREMENT. AT THE TIME OF RETIREMENT, FIFTY PERCENT
9 (50%) OF THE EMPLOYEE'S ACCUMULATED SICK LEAVE WILL BE GRANTED AS
10 SEVERANCE PAY AND SHALL BE PAID AT THE ACCRUAL RATE AT THE TIME OF
11 RETIREMENT.

12 § 38-41. CONDITIONS OF EMPLOYMENT.

13 A. HOURS OF WORK.

14 (1) OFFICES WILL OPEN AT 8:30 A.M. AND CLOSE AT 4:30
15 P.M.

16 (2) ALL EMPLOYEES ON THE HOURLY PAY PLAN, CENTRAL ALARM,
17 DETENTION CENTER AND THE SHERIFF'S OFFICE WILL WORK A FORTY-HOUR
18 WEEK.

19 (3) ANY DEPARTMENT REQUIRING TWENTY-FOUR-HOUR-PER-DAY
20 OPERATION MAY SCHEDULE SHIFTS FOR ITS EMPLOYEES AS REQUIRED.

21 (4) INNOVATIVE WORK SCHEDULES MAY BE ESTABLISHED BY THE
22 DEPARTMENT HEAD, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF HUMAN
23 RESOURCES, TO MEET THE NEEDS OF THE DEPARTMENT. SUCH SCHEDULES
24 SHALL BE SUBJECT TO THE REQUIREMENTS OF THE FAIR LABOR STANDARDS
25 ACT, 29 USC, SECTION 201, ET SEQ, AND AS AMENDED.

26 B. LATENESS.

1 (1) FOREMAN ARE AUTHORIZED TO EXCUSE ANY LATENESS UP TO
2 SEVEN (7) MINUTES BY INITIALING THE TIME CARD. IF EXCUSED, AND
3 THEREFORE NOT SUBJECT TO DISCIPLINARY ACTION, SAID EMPLOYEE SHALL
4 BE PAID FOR SUCH LATENESS; IF NOT EXCUSED, SAID EMPLOYEE SHALL NOT
5 BE PAID FOR SAID PERIOD OF ABSENCE AND MAY BE SUBJECT TO
6 DISCIPLINARY ACTION.

7 (2) SUPERVISORS ARE AUTHORIZED TO EXCUSE ANY LATENESS UP
8 TO FIFTEEN (15) MINUTES BY PROVIDING THE JUSTIFICATION IN WRITING
9 TO THE PAYROLL SECTIONS OF THEIR DEPARTMENTS. THE LATENESS MAY BE
10 CHARGED AS ADMINISTRATIVE LEAVE OR EXCUSED AND THEREFORE NOT
11 SUBJECT TO DISCIPLINARY ACTION, BUT UNPAID.

12 (3) FOR ANTICIPATED LATENESS BEYOND FIFTEEN (15)
13 MINUTES, EMPLOYEES MUST CALL IN AND, PRIOR TO THE END OF THE WORK
14 DAY, MUST FILL OUT A LEAVE SLIP FOR THE AMOUNT OF TIME LOST. THE
15 DEPARTMENT HEAD MAY GRANT ADMINISTRATIVE LEAVE FOR SUCH LATENESS.

16 (4) UNDER NO CIRCUMSTANCES WILL ANYONE CHANGE OR ALTER
17 THE SUPERVISOR'S DECISION WITHOUT CONSULTING THE INDIVIDUAL OR
18 INDIVIDUALS AND FOREMAN INVOLVED.

19 § 38-42. MAINTENANCE AND INSPECTION OF RECORDS.

20 A. GENERAL. IT IS THE POLICY OF THE DEPARTMENT TO
21 FACILITATE PUBLIC ACCESS TO THE RECORDS OF THE DEPARTMENT WHEN THIS
22 ACCESS IS ALLOWED BY LAW, BY MINIMIZING COSTS AND TIME DELAYS TO
23 PERSONS REQUESTING INFORMATION. IT IS ALSO THE POLICY OF THE
24 DEPARTMENT TO SAFEGUARD THE PRIVACY OF EMPLOYEES BY RESTRICTING
25 ACCESS TO RECORDS WHEN ACCESS IS DENIED OR RESTRICTED BY LAW.

26 B. DEFINITIONS. THE FOLLOWING TERMS USED IN THIS CHAPTER

AS AMENDED

1 HAVE THE INDICATED MEANINGS:

2 "ACT" MEANS THE PUBLIC INFORMATION ACT, ARTICLE 76A, §§1-
3 5, ANNOTATED CODE OF MARYLAND.

4 "APPLICANT" MEANS ANY PERSON REQUESTING DISCLOSURE OF
5 PUBLIC RECORDS.

6 "DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN RESOURCES.

7 "DEPARTMENTAL CUSTODIAN" MEANS EACH DIVISION DIRECTOR OF
8 THE DEPARTMENT WHO IS RESPONSIBLE FOR THE MAINTENANCE, CARE, AND
9 KEEPING OF PUBLIC RECORDS.

10 "PERSONNEL FILE."

11 (1) "PERSONNEL FILE" MEANS ANY RECORD, REGARDLESS
12 OF PHYSICAL FORM, INDEXED BY NAME OR THE EMPLOYEE'S IDENTIFICATION
13 NUMBER.

14 (2) "PERSONNEL FILE" INCLUDES, BUT IS NOT LIMITED
15 TO, THE FOLLOWING FORMS AND DOCUMENTS PERTAINING TO ANY CURRENT OR
16 PAST EMPLOYEE:

- 17 (a) APPLICATION FORM;
18 (b) NOTICE OF TEST RESULT;
19 (c) ALL PERFORMANCE RATINGS;
20 (d) ALL SCHOLASTIC DATA.

21 C. APPLICATIONS TO INSPECT OR COPY.

22 (1) ANY PERSON MAY REQUEST TO INSPECT ANY PUBLIC RECORD
23 IN THE CUSTODY AND CONTROL OF THE DEPARTMENT. THE DEPARTMENTAL
24 CUSTODIAN MAY REQUIRE THAT THE REQUEST BE IN WRITING.

25 (2) AN APPLICANT MAY REQUEST IN WRITING A COPY OF A
26 RECORD.

AS AMENDED

1 (3) IN A WRITTEN REQUEST, THE APPLICANT SHALL SHOW HIS
2 OR HER NAME AND ADDRESS, SHALL SIGN THE REQUEST, AND SHALL
3 REASONABLY IDENTIFY BY BRIEF DESCRIPTION THE RECORD SOUGHT.

4 (4) THE APPLICANT SHALL ADDRESS A WRITTEN REQUEST FOR A
5 RECORD IN THE CUSTODY AND CONTROL OF THE DIRECTOR OF HUMAN
6 RESOURCES.

7 D. RESPONSE TO APPLICATIONS. THE CUSTODIAN SHALL RESPOND TO
8 THE APPLICANT WITHIN TEN (10) WORKING DAYS.

9 E. PERSONNEL FILES.

10 (1) ANY CURRENT OR FORMER EMPLOYEE MAY OR THAT
11 EMPLOYEE'S AUTHORIZED REPRESENTATIVE MAY INSPECT AND REQUEST COPIES
12 OF THE PERSONNEL FILE MAINTAINED BY THE DEPARTMENT FOR THAT
13 EMPLOYEE.

14 (2) ANY ELECTED OR APPOINTED OFFICIAL OR EMPLOYEE WHO
15 SUPERVISES AN EMPLOYEE MAY INSPECT AND REQUEST COPIES OF THE
16 PERSONNEL FILE MAINTAINED BY THE DEPARTMENT FOR ANY EMPLOYEE
17 ACTUALLY SUPERVISED BY THAT OFFICIAL.

18 F. MEDICAL RECORDS. RECORDS MAINTAINED WITH RESPECT TO ANY
19 EMPLOYEE SHALL BE AVAILABLE ONLY TO THAT EMPLOYEE OR AN AUTHORIZED
20 REPRESENTATIVE.

21 G. TESTING RECORDS.

22 (1) ANY PERSON WHO HAS TAKEN A WRITTEN PROMOTIONAL
23 EXAMINATION MAY INSPECT BUT NOT COPY OR REPRODUCE THAT EXAMINATION
24 AND THE RESULTS OF IT WITHIN SIXTY (60) DAYS FOLLOWING THE CONDUCT
25 AND SCORING OF THE EXAMINATION.

26 (2) TEST QUESTIONS, SCORING KEYS, TEST RESEARCH AND

1 EVALUATION DATA, RATING FORMS, WORK SHEETS, AND ANSWER SHEETS,
2 EXCEPT FOR BLANK COPIES OF ANY FORMS WHICH DO NOT REVEAL QUESTIONS
3 OR ANSWERS, MAY NOT BE INSPECTED OR COPIED.

4 H. TRADE SECRETS; CONFIDENTIAL DATA. A PERSON MAY NOT
5 INSPECT OR COPY ANY INFORMATION WHICH CONSTITUTES A TRADE SECRET OR
6 CONFIDENTIAL COMMERCIAL OR FINANCIAL DATA IN THE CUSTODY AND
7 CONTROL OF THE DEPARTMENT.

8 I. PRIVILEGED INFORMATION. A PERSON MAY NOT INSPECT OR COPY
9 ANY INFORMATION WHICH IS PRIVILEGED BY LAW.

10 J. LETTERS OF REFERENCE. A PERSON MAY NOT INSPECT OR COPY
11 LETTERS OF REFERENCE IN THE CUSTODY AND CONTROL OF THE DEPARTMENT.

12 L. PROTECTION OF PRIVACY AND CONFIDENTIALITY. ANY PERSON
13 ENTITLED BY LAW TO INSPECT OR HAVE COPIES OF ANY RECORDS SET FORTH
14 IN SECTIONS E THROUGH K OF THIS CHAPTER SHALL, BEFORE INSPECTION:

15 (1) SPECIFY, IN WRITING, THE BASIS FOR THE REQUEST.

16 (2) AGREE, IN WRITING, NOT TO RELEASE ANY INFORMATION
17 DERIVED FROM THE INSPECTION TO ANY THIRD PARTY WITHOUT THE EXPRESS
18 PRIOR AGREEMENT, IN WRITING, OF THE CUSTODIAN.

19 O. NOTIFICATION OF PERSONS WHO MAY BE AFFECTED BY
20 DISCLOSURE. UNLESS PROHIBITED BY LAW, THE DIRECTOR OF HUMAN
21 RESOURCES, IN HIS DISCRETION, MAY NOTIFY ANY PERSON WHO COULD BE
22 ADVERSELY AFFECTED BY DISCLOSURE OF A RECORD TO THE APPLICANT THAT
23 A REQUEST FOR INSPECTION OR COPYING OF THE RECORD HAS BEEN MADE.
24 THE DIRECTOR OF HUMAN RESOURCES MAY CONSIDER THE VIEWS OF THESE
25 PERSONS BEFORE DECIDING WHETHER TO DISCLOSE THE RECORD TO THE
26 APPLICANT.

1 P. BULLETIN BOARD. THE DIRECTOR OF HUMAN RESOURCES WILL
2 MAINTAIN AN OFFICIAL BULLETIN BOARD OPEN TO THE PUBLIC IN HIS
3 OFFICES, UPON WHICH SHALL BE POSTED ALL NOTICES REQUIRED BY LAW OR
4 REGULATION AND SUCH OTHER NOTICES AS APPROPRIATE.

5 § 38-42. DISCIPLINARY ACTIONS.

6 A. GENERAL. DISCIPLINARY ACTIONS SHALL INCLUDE (1) ORAL
7 REPRIMAND; (2) WRITTEN REPRIMAND; (3) SUSPENSION WITHOUT PAY; AND
8 (4) DISCHARGE.

9 B. PROHIBITIONS. DISCIPLINARY ACTIONS SHALL NOT BE
10 PERMITTED BASED ON AN EMPLOYEE'S RELIGIOUS OR POLITICAL
11 AFFILIATIONS.

12 C. PROGRESSIVE. DISCIPLINARY ACTIONS SHALL BE PROGRESSIVE
13 IN NATURE AND APPROPRIATE TO THE NATURE OF THE VIOLATION.

14 D. APPEALS. DISCIPLINARY ACTIONS SUBJECT TO APPEAL SHALL BE
15 PROCESSED THROUGH THE GRIEVANCE PROCEDURE, AS ESTABLISHED IN
16 SECTION 38-43.

17
18 E. DISCIPLINARY SUSPENSIONS.

19 (1) GROUNDS. DEPARTMENT HEAD MAY SUSPEND AN EMPLOYEE
20 WITHOUT PAY FOR DISCIPLINARY PURPOSES FOR MISCONDUCT, AS DEFINED
21 HEREIN. SUSPENSION SHALL BE FOR CONSECUTIVE WORKING DAYS.

22 (2) NOTICE. THE DEPARTMENT HEAD SHALL GIVE WRITTEN
23 NOTICE, STATING THE CHARGES AND DURATION OF THE SUSPENSION, TO THE
24 EMPLOYEE AND A COPY SHALL BE FORWARDED TO THE DIRECTOR OF HUMAN
25 RESOURCES.

26 (3) APPEAL. THE EMPLOYEE MAY APPEAL SAID SUSPENSION IN
27 ACCORDANCE WITH SECTION 38-43.

1 F. DISCHARGE. DISMISSALS ARE MADE FOR DELINQUENCY,
2 MISCONDUCT, INEFFICIENCY OR INABILITY TO PERFORM THE WORK OF THE
3 POSITION SATISFACTORILY. ALL DISMISSALS ARE MADE UPON THE
4 RECOMMENDATION OF THE DEPARTMENT HEAD TO THE DIRECTOR OF HUMAN
5 RESOURCES. NO DISMISSAL OF A PERMANENT EMPLOYEE SHALL TAKE EFFECT
6 UNTIL A DEPARTMENT HEAD GIVES TO SUCH EMPLOYEE A WRITTEN STATEMENT
7 SETTING FORTH THE REASONS THEREFOR AND HIS APPEAL RIGHTS AND FILES
8 A COPY OF SUCH STATEMENT WITH THE DIRECTOR OF HUMAN RESOURCES. AN
9 EMPLOYEE WHO HAS BEEN DISMISSED SHALL BE PAID FOR HIS ACCUMULATED
10 ANNUAL LEAVE; THERE WILL BE NO COMPENSATION FOR ACCUMULATED SICK
11 LEAVE, AND HE SHALL NOT HAVE REEMPLOYMENT RIGHTS.

12 G. GROUNDS.

13 (1) INCOMPETENCY, INCAPACITY OR INEFFICIENCY IN
14 PERFORMANCE OF DUTIES.

15 (2) VIOLATION OF LAW, OFFICIAL RULES, REGULATIONS OR
16 ORDERS OR FAILURE TO OBEY ANY LAWFUL OR REASONABLE DIRECTION WHEN
17 SUCH ACTION AMOUNTS TO INSUBORDINATION OR SERIOUS BREACH OF
18 DISCIPLINE.

19 (3) CONVICTION OF A FELONY OR A MISDEMEANOR INVOLVING
20 MORAL TURPITUDE.

21 (4) WILLFUL OR REPEATED NEGLIGENCE IN PERFORMING DUTIES
22 AND CONDUCT UNBECOMING AN EMPLOYEE OF THE COUNTY.

23 (5) CONDUCT SUBVERSIVE TO THE LAWS OF THE COUNTY, STATE
24 AND OR UNITED STATES OF AMERICA.

25 (6) SUSTAINED CONDUCT DETRIMENTAL TO THE EFFICIENCY AND
26 MORALE OF THE SERVICE.

(7) MISUSE OF PUBLIC FUNDS OR PUBLIC PROPERTY.

(8) FALSIFYING REPORTS OR RECORDS.

(9) USING ALCOHOL OR CONTROLLED DANGEROUS SUBSTANCES
WHILE ON DUTY OR REPORTING TO WORK UNDER THE INFLUENCE THEREOF.

(10) PROMOTING OR PARTICIPATING IN A STRIKE, WORK
STOPPAGE OR SLOWDOWN.

§ 38-43. APPEALS.

A. PROCEDURE. IN THE EVENT ANY GRIEVANCE ARISES, SUCH
MATTERS SHALL BE ADJUSTED ACCORDING TO THE FOLLOWING PROCEDURE.

B. FORMS SHALL BE FURNISHED BY THE COUNTY AND SHALL BE THE
ONLY FORM USED FOR A GRIEVANCE.

(1) PAGE 1 OF THE GRIEVANCE FORM MUST BE SIGNED BY THE
AGGRIEVED EMPLOYEE. AN EMPLOYEE FILING A FORMAL GRIEVANCE SHALL BE
RESPONSIBLE FOR THE TIMELY FILING OF THE INITIAL GRIEVANCE AND ALL
APPEALS.

(2) THE DEPARTMENT HEAD AND DEPARTMENT OF HUMAN
RESOURCES SHALL UPON RECEIVING THE GRIEVANCE "IN DATE" STAMP THE
FACE OF THEIR COPY.

(3) THE ORIGINAL WRITTEN REPLY SHALL BE ATTACHED TO THE
ORIGINAL OF THE GRIEVANCE FORM AND RETURNED TO THE EMPLOYEE.

C. PROCEDURE FOR PRESENTATION OF GRIEVANCES.

(1) THE EMPLOYEE SHALL FIRST DISCUSS HIS GRIEVANCE WITH
HIS IMMEDIATE SUPERVISOR WITHIN FIVE (5) DAYS OF THE INCIDENT
SUBJECT TO THE GRIEVANCE/APPEAL. THE SUPERVISOR SHALL RESPOND
WITHIN FIVE (5) DAYS OF MEETING.

(2) IF THE GRIEVANCE IS NOT RESOLVED AT THIS STAGE, THE

1 EMPLOYEE MAY, WITHIN FIVE (5) DAYS FROM THE SUPERVISOR'S RESPONSE,
2 FILE A WRITTEN COMPLAINT TO HIS DEPARTMENT HEAD, WHO SHALL REVIEW
3 THE REQUEST AND SCHEDULE A HEARING WITHIN FIVE (5) DAYS OF ISSUANCE
4 OF THE WRITTEN COMPLAINT AND WHO SHALL ISSUE A WRITTEN RESPONSE TO
5 THE EMPLOYEE WITHIN TEN (10) DAYS OF THAT HEARING. IF THE
6 COMPLAINT IS NOT RESOLVED AT THIS STAGE, THE EMPLOYEE MAY, WITHIN
7 FIVE (5) DAYS FROM THAT WRITTEN RESPONSE, FILE A WRITTEN REQUEST TO
8 THE DIRECTOR OF HUMAN RESOURCES, WHO SHALL REVIEW THE REQUEST AND,
9 WITHIN TEN (10) DAYS FROM RECEIPT OF SAID REQUEST, SCHEDULE A
10 HEARING ON THE COMPLAINT. THE DIRECTOR OF HUMAN RESOURCES SHALL
11 ISSUE A WRITTEN RESPONSE TO THE EMPLOYEE WITHIN TEN (10) DAYS OF
12 THAT HEARING. IF THE COMPLAINT IS NOT RESOLVED AT THIS STAGE, THE
13 EMPLOYEE MAY, WITHIN FIVE (5) DAYS FROM THAT WRITTEN RESPONSE,
14 APPEAL THE DECISION OF THE DIRECTOR OF HUMAN RESOURCES TO THE
15 PERSONNEL ADVISORY BOARD, SUBJECT TO THE LIMITATIONS SET FORTH IN
16 SECTION 38-43F.

17 (3) THE PERSONNEL ADVISORY BOARD, AS PROVIDED BY THE
18 HARFORD COUNTY CHARTER, SECTION 607, SHALL ALSO HEAR ALL APPEALS
19 FROM EMPLOYEES IN THE CLASSIFIED SERVICE SUBJECT TO THE LIMITATIONS
20 IN SECTION 38-43 F, ~~OR APPEALS BY ANY PERSON WHO HAS TAKEN OR~~
21 ~~SOUGHT TO TAKE AN EXAMINATION CONCERNING ANY ACTION OF THE DIRECTOR~~
22 ~~OF HUMAN RESOURCES OR THE APPOINTING AUTHORITY OF THE EMPLOYEE.~~

23 (4) AN AGGRIEVED EMPLOYEE MAY FILE A REQUEST FOR A
24 HEARING BEFORE THE PERSONNEL ADVISORY BOARD. THE REQUEST SHALL BE
25 FILED WITHIN FIVE (5) DAYS OF THE ACTION BY THE DIRECTOR OF HUMAN
26 RESOURCES OR THE APPOINTING AUTHORITY OF THE EMPLOYEE. THE HEARING

1 SHALL, AT THE REQUEST OF THE AGGRIEVED EMPLOYEE, BE PUBLIC, AND THE
2 BOARD SHALL SCHEDULE ANY HEARING REQUESTED WITHIN THIRTY (30) DAYS
3 FOLLOWING RECEIPT OF THE EMPLOYEE'S REQUEST. THE PERSONNEL
4 ADVISORY BOARD MAY COMPEL, UPON THE REQUEST OF ANY PARTY TO THE
5 HEARING, BY SUBPOENA, THE ATTENDANCE OF THE COUNTY EMPLOYEE OR THE
6 PRODUCTION OF ANY DOCUMENTS OR RECORDS. AFTER A HEARING BEFORE THE
7 PERSONNEL ADVISORY BOARD, THE BOARD MAY ISSUE ORDERS AS IT FINDS
8 PROPER BY THE FACTS PRESENTED IN THE CASE. ALL DATA PERTINENT TO
9 THE DECISION SHALL BE SUBJECT TO THE SCRUTINY OF THE AGGRIEVED
10 EMPLOYEE OR HIS DESIGNATED REPRESENTATIVE.

11 (5) THE TIME LIMITS IN THIS SECTION MAY BE WAIVED UPON
12 MUTUAL WRITTEN AGREEMENT BETWEEN THE EMPLOYER AND THE EMPLOYEE OR
13 HIS DESIGNATED REPRESENTATIVE OR, AT THE REQUEST OF THE PERSONNEL
14 ADVISORY BOARD, UPON WRITTEN NOTICE TO THE PARTIES. HOWEVER,
15 WAIVER AT ANY STEP BY EITHER PARTY DOES NOT CONSTITUTE A WAIVER AT
16 ALL STEPS, NOR IMPLY INTENT TO RESOLVE THE ISSUE. ALL TIME LIMITS
17 MUST BE COMPLIED WITH UNLESS EXPRESSLY WAIVED BY BOTH PARTIES.

18 (6) IN CASE OF ANY APPEAL TO THE PERSONNEL ADVISORY
19 BOARD, ITS DECISION SHALL BE FINAL ON ALL PARTIES CONCERNED.

20 D. EFFORTS TO RESOLVE; BYPASS; CONSOLIDATION. BOTH PARTIES
21 SHALL ENDEAVOR TO RESOLVE THE GRIEVANCE/APPEAL AT THE LOWEST
22 POSSIBLE LEVEL. BY MUTUAL WRITTEN AGREEMENT, BOTH PARTIES MAY
23 BYPASS ONE OR MORE STEPS IN THE PROCEDURE SET FORTH IN SECTION
24 38-43C (2). BY MUTUAL AGREEMENT, BOTH PARTIES MAY CONSOLIDATE
25 RELATED GRIEVANCES/APPEALS AND PRESENT THEM AS A SINGLE ACTION.

26 E. TIME LIMITS; EXTENSIONS. FAILURE OF MANAGEMENT TO

1 RESPOND WITHIN THE TIME FRAMES SET FORTH IN SECTION 38-43 C (2),
2 CONSTITUTES A DENIAL; THE EMPLOYEE MAY APPEAL. FAILURE OF THE
3 EMPLOYEE TO FILE AN APPEAL IN RESPONSE TO ANY LEVEL OF THIS
4 PROCEDURE CONSTITUTES ACCEPTANCE. BY MUTUAL WRITTEN AGREEMENT,
5 BOTH PARTIES MAY EXTEND THE TIME FRAMES.

6 F. NATURE.

7 (1) JURISDICTION.

8 (a) DIRECT APPEAL TO THE PERSONNEL ADVISORY BOARD.

9 1. TERMINATION;

10 2. SUSPENSION FOR GROSS MISCONDUCT, OR LIFE
11 OR PROPERTY-THREATENING ACTION, PURSUANT TO SECTION 38-38E(5).

12 3. APPEALS OF DISCIPLINARY SUSPENSIONS IN
13 EXCESS OF THREE (3) DAYS MAY, WITH THE WRITTEN CONSENT OF THE
14 PARTIES, BE DIRECTLY APPEALED TO THE PERSONNEL ADVISORY BOARD.
15 DISCIPLINARY SUSPENSIONS OF THREE (3) DAYS OR LESS SHALL NOT BE
16 SUBJECT TO APPEAL TO THE PERSONNEL ADVISORY BOARD BY EITHER DIRECT
17 APPEAL NOR SHALL SUCH ACTIONS BE SUBJECT TO APPEALATE REVIEW BY THE
18 BOARD.

19 (b) DIRECT APPEAL TO THE DIRECTOR OF HUMAN
20 RESOURCES

21 1. APPEAL OF DENIAL OF SALARY INCREMENT BASED
22 ON AN UNSATISFACTORY EMPLOYEE EVALUATION OR UNSATISFACTORY WORK
23 PERFORMANCE INCLUDING, BUT NOT LIMITED TO UNAUTHORIZED USE OF SICK
24 LEAVE; THE DECISION OF THE DIRECTOR OF HUMAN RESOURCES SHALL BE
25 FINAL AS TO ALL PARTIES.

26 2. APPEAL OF SUSPENSION OF THREE (3) DAYS OR

1 LESS; THE DECISION OF THE DIRECTOR OF HUMAN RESOURCES SHALL BE
2 FINAL AS TO ALL PARTIES.

3 3. APPEAL OF DISCIPLINARY ACTION INCLUDING
4 IMPOSITION OF AN ORAL OR WRITTEN WARNING OR DISCIPLINARY SUSPENSION
5 SHALL BE HEARD BY THE DEPARTMENT HEAD IN ACCORDANCE WITH SECTION
6 38-43C, OR, WITH THE WRITTEN CONSENT OF BOTH PARTIES, MAY BE
7 DIRECTLY APPEALED TO THE DIRECTOR OF HUMAN RESOURCES; THE DECISION
8 OF THE DIRECTOR OF HUMAN RESOURCES SHALL BE FINAL AS TO ALL PARTIES
9 WITH THE EXPRESS EXCEPTION THAT AN APPEAL OF THE DIRECTOR'S
10 DECISION IN THE CASE OF DISCIPLINARY SUSPENSION IN EXCESS OF THREE
11 (3) DAYS SHALL BE APPEALABLE TO THE PERSONNEL ADVISORY BOARD.

12 (c) THE PERSONNEL BOARD MAY ELECT TO HEAR APPEALS
13 FROM DISCIPLINARY ACTIONS RESULTING IN SUSPENSIONS OF THREE DAYS OR
14 LESS OR THE IMPOSITION OF WRITTEN REPRIMANDS OR MAY REFER SUCH
15 APPEALS TO AN EXAMINER.

16 G. REPRESENTATION. EACH EMPLOYEE SHALL BE AFFORDED AN
17 OPPORTUNITY TO BE REPRESENTED AT EACH OF THE STEPS IN THE GRIEVANCE
18 PROCEDURE. ANY EMPLOYEE AND/OR EMPLOYEE'S REPRESENTATIVE SHALL
19 HAVE TIME TO INVESTIGATE AND PRESENT A GRIEVANCE DURING THE COUNTY
20 WORKING HOURS WITH PRIOR PERMISSION OF HIS SUPERVISOR. SUCH
21 PERMISSION SHALL NOT BE UNREASONABLY WITHHELD BY THE COUNTY.
22 GRIEVANCE HEARINGS SHALL BE HELD DURING WORKING HOURS. THERE SHALL
23 BE NO LOSS OF PAY OR LEAVE TO THE GRIEVANT, HIS SUBPOENAED
24 WITNESSES, OR REPRESENTATIVE FOR THE TIME SPENT ATTENDING GRIEVANCE
25 MEETINGS OR HEARINGS PROVIDED THEY FIRST RECEIVE PERMISSION TO BE
26 ABSENT FROM THEIR IMMEDIATE SUPERVISOR. SUCH PERMISSION SHALL NOT

1 BE UNREASONABLY WITHHELD BY THE COUNTY. THE PERSONNEL ADVISORY
2 BOARD MAY SCHEDULE GRIEVANCE HEARINGS OUTSIDE OF WORKING HOURS.
3 Section 2. And Be It Further Enacted that this Act shall take
4 effect sixty (60) calendar days from the date it becomes law.
5 EFFECTIVE: January 21, 1992

BY THE COUNCIL

BILL NO. 91-54 As Amended

Read the third time.

Passed: LSD 91-35 (November 19, 1991)

Failed of Passage: _____

By Order

Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive
for her approval this 20th day of November,
1991 at 3:00 o'clock P.M.



Doris Poulsen, Secretary

BY THE EXECUTIVE

Laura M. Redmann
COUNTY EXECUTIVE

APPROVED:

Date November 22, 1991

BY THE COUNCIL

This Bill, (No. 91-54 As Amended), having been approved by the
Executive and returned to the Council, becomes law on November 22,
1991.

Doris Poulsen, Secretary

EFFECTIVE DATE: January 21, 1992